

## The Gazette



## of India

PUBLISHED BY AUTHORITY

No. 3] NEW DELHI, SATURDAY, JANUARY 18, 1964/PAUSA 28, 1885

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 6th January, 1964:—

Issue No.	No. and date	Issued by	Subject
3	S.O. 109, dated 2nd January, 1964.	Ministry of External Affairs.	Authorising diplomatic and consular officers of Mexico to perform the duties of a Consul-General.
4	S.O. 110, dated 3rd January, 1964.	Ministry of International Trade.	Further amendment to the Exports (Control) Order, 1962.
5	S.O. 111, dated 4th January, 1964.	Ministry of Steel, Mines and Heavy Engineering.	Maximum selling prices of Pig Iron are increased by Rs. 30/- per M/Tonne.
6	S.O. 112, dated 4th January, 1964.	Ministry of Information and Broadcasting.	Approval of films specified therein.
7	S.O. 113, dated 4th January, 1964.	Ministry of Law	Declarations containing the names of candidates elected in the Constituencies referred to therein.
8	S.O. 114, dated 5th January, 1964.	Ministry of International Trade.	Further amendment to the Exports (Control) Order, 1962.
9	S.O. 115, dated 6th January, 1964.	Do. . . . .	Further amendment to the Export (Control) Order, 1962.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

**PART II—Section 3—Sub-section (ii)**

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).**

**ELECTION COMMISSION, INDIA**

*New Delhi, the 7th January 1964*

**S.O. 188.**—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order pronounced on the 23rd December, 1963, by the Election Tribunal, Jhunjhunu.

**BEFORE THE MEMBER, ELECTION TRIBUNAL, JHUNJHUNU, SHRI ROOP SINGH RATHORE R.H.J.S.**

**ELECTION PETITION No. 295 of 1962**

*Petitioner.*—Shri Balji son of Suleman caste Muslman resident of Sikar town, near Idga Masjid, Rajasthan.

*Vs.*

*Respondent.*—Shri Murarka Radheyshyam son of Shri Ramkumar Murarka, resident of Nawalgarh, District Jhunjhunu.

Election Petition to challenge the Election of the respondent to parliament from the Jhunjhunu Parliamentary Constituency in the State of Rajasthan under the Representation of the People Act, 1951.

**PRESENT:—**

*Petitioner's counsel.*—Shri G. G. Bhargava.

*Respondent's counsel.*—Shri H. B. Jain and Shri Kanhiyalal present.

**JUDGEMENT.**

This election petition was presented by Shri Balji, a candidate at the third General Election to the House of the People, u/s. 81 of the Representation of the People Act, 1951, on the 14th day of April, 1962, before the Election Commission of India. In pursuance of sub-section (3) of section 86 of the Representation of the People Act, 1951, this election petition was sent to this Tribunal for trial.

The ground on which the election petition is based are as under:—

1. That the petitioner Shri Balji is a resident of Sikar town and is enrolled as an elector in the Parliamentary constituency in ward No. 14 of that town. The petitioner was a candidate for the parliamentary seat from the Jhunjhunu Parliamentary constituency in the State of Rajasthan and his nomination paper was proposed by one Shri Abdul Ganl, elector, resident of Nowalgarh in district Jhunjhunu.

2. That the petitioner's nomination paper was delivered to the Returning Officer of Jhunjhunu parliamentary constituency on 19th of January, 1962, at 2:58 P.M. in the office of the Returning Officer and the same was received by the Assistant Returning Officer.

3. That the petitioner personally presented his nomination paper and the Assistant Returning Officer issued a receipt of that nomination paper under his signatures to the petitioner. In the receipt so delivered by the Assistant Returning Officer, he fixed 22nd January, 1962, as the date for scrutiny of that nomination paper and the time of scrutiny given in that receipt of the nomination paper was 2:58 P.M. The place fixed for scrutiny was the Office of the Collector, Jhunjhunu.

4. That on 22nd January, 1962, the petitioner along with his proposer reached the office of the Returning Officer (Collector) at Jhunjhunu at about 1:30 P.M. On reaching the office of the Returning Officer, the petitioner came to know that his nomination paper was already rejected by the Returning Officer after scrutinising the same. The petitioner tried to make enquiries about the reasons of the rejection of his nomination paper but the Returning Officer refused to disclose the reasons and also refused to supply a copy of his decision to the petitioner.

5. That the petitioner again made attempts to obtain a copy of the order of the Returning Officer rejecting his nomination paper but he could not be successful and, thereupon, he complained to the Chief Election Commissioner, New Delhi and the Chief Electoral Officer, Jaipur.

6. That some time after the petitioner again applied for copies of the order of rejection of his nomination paper and of the nomination paper and copies were, ultimately, supplied to him by the Returning Officer on 6th March, 1962. On the perusal of that order of rejection of the nomination paper made by the Returning Officer, the petitioner came to know that his nomination paper was rejected on the ground that the electoral roll number of his proposer was not correctly given in the nomination paper. The Returning Officer took the defect of wrong electoral roll number of the proposer to be defect of a substantial character and rejected that nomination form *exparte*.

7. That the order of the Returning Officer rejecting the nomination paper of the petitioner was illegal and *malafide* for the following reasons:—

- (i) That at the time of the presentation of the nomination form the Assistant Returning Officer after tallying the number of the electoral roll both of the candidate and the proposer, was satisfied about their names being entered in the electoral rolls.
- (ii) That the time of scrutiny mentioned in the receipt of the nomination paper given to the petitioner was 2:58, P.M. which led the petitioner and his proposer to believe that the scrutiny of the nomination paper will not take place before that time. The Returning Officer, however, did not keep that time but he scrutinised the petitioner's nomination paper at his and his proposer's back and rejected the same without giving any finding as to whether or not the proposer was a voter in the parliamentary constituency from Dawalgarh town.
- (iii) That the Returning Officer purposely kept the petitioner and his proposer in dark about the time of scrutiny and took the advantage of the petitioner's absence in rejecting his valid nomination paper duly proposed by a duly qualified proposer.
- (iv) That the Returning Officer committed an illegality in describing the supply of wrong particulars as a defect of a substantial character. In the absence of any finding by him about the fact that the proposer is not a voter in the parliamentary constituency from Nawalgarh town, the defect pointed out by the Returning Officer on the basis of which he rejected the petitioner's nomination paper was a mere technical defect of unsubstantial character. Therefore, the petitioner's nomination paper was rejected *malafide*.

In view of the above allegations the petitioner prayed that the election of the respondent be declared void and the costs of the petition be awarded to him.

The respondent controverted all the allegations of the petitioner in his written statement and raised some additional pleas to contend that the petition of the petitioner was not maintainable. The respondent pleaded that he was not aware and did not admit that the petitioner was a resident of Sikar town and enrolled as an elector in the parliamentary constituency in ward No. 14 of Sikar town. He alleged that the petitioner filed nomination paper proposed by Shri Abdul Gani but he was not aware and did not admit that the proposer Shri Abdul Gani was a resident of Nawalgarh in the District Jhunjhunu and an elector in the Jhunjhunu parliamentary constituency. He was not aware of and did not admit that the nomination paper of the petitioner was filed with the Returning Officer on the 19th January, 1962, at 2:58 P.M. and the same was received by the Assistant Returning Officer at the Collector's office. He was not aware of and did not admit that the petitioner personally presented his nomination paper to the Assistant Returning Officer or that a receipt of the nomination paper was given to the petitioner under the signatures of the Assistant Returning Officer. He was also not aware of and did not admit that in the alleged receipt issued by the Assistant Returning Officer, he fixed 22nd of January, 1962, as a date for scrutiny and 2:58 P.M. as the time of scrutiny. The respondent denied that the petitioner along with his proposer reached the office of the Collector at about 1:30 P.M. on 22nd January, 1962. The respondent also denied knowledge about the attempts of the petitioner in obtaining a copy of the reasons of rejection of his nomination paper and sending telegrams and applications to the authorities concerned, as alleged by the petitioner. He contended that the order of the Returning Officer rejecting the nomination paper of the petitioner was neither illegal nor *malafide*. He also contended that he was not aware of and did not admit that the Assistant Returning Officer at the

time of presenting the said nomination form tallied the electoral roll number of the candidate and the proposer and satisfied himself regarding the same being as entered in the electoral roll. He pleaded that he was not aware of and did not admit that the time for holding the scrutiny of the nomination paper of the petitioner was specified at 2:58 P.M., on 22nd January, 1962. He also denied that the alleged specific time in the receipt of the nomination paper led the petitioner or his proposer to believe that the scrutiny of his nomination shall not take place before 2:58 P.M. It was pleaded that the Returning Officer was bound to scrutinise the nomination paper at 11 A.M. on 22nd January, irrespective of the fact whether any candidate or any one else on his behalf was present or not at that time. It was not necessary for the Returning Officer to give any findings as to whether or not the proposer of the petitioner was a voter in the parliamentary constituency from Nawalgarh town. It was also denied that the Returning Officer purposely kept the petitioner or his proposer in dark about the time of scrutiny. It was further alleged that the nomination paper of the petitioner contained the defect pointed out by the Returning Officer in the grounds of rejection of the said nomination paper and that defect was of a substantial character justifying the rejection of that nomination paper. It was pleaded that the defect was not of a technical or unsubstantial character. The nomination paper of the petitioner was defective otherwise also inasmuch as the full particulars of the electoral roll numbers of the proposer as well as of the candidate were not given as prescribed by form 2A under the Conduct of Election Rules, 1961. It was further pleaded that the amendment carried out in the petition on 13th of August, 1962, was barred by limitation and the amended petition was not referred to this Tribunal by the Election Commission and, therefore, this Tribunal had no jurisdiction to entertain and try it. The amended petition was not properly presented as required by section 81 of the R. P. Act, 1951. The amendment of the verification to the petition carried out on 13th August, 1962, was barred by limitation. It was also pleaded that the petitioner was not a candidate and as such he was not entitled to present the election petition. In short, the respondent contended that the petition of the petitioner was false and frivolous and non-maintainable.

Some of the objections raised by the respondent to the petition of the petitioner were treated as preliminary objections and they were decided by this Tribunal on 13th of August, 1962, 10th September, 1962, and 2nd of August, 1963.

Final issues were framed by this Tribunal in the election petition on 2nd August, 1963, which are as under:—

- 1 Does the election petition of petitioner Balji disclose no cause of action?
2. Is Balji petitioner not entitled to present this election petition on account of his not being a candidate and an elector of Jhunjhunu parliamentary constituency?
3. Did the petitioner personally file the nomination paper with the Returning Officer on 19th January, 1962, at 2-58 P.M. and the same was received by the Assistant Returning Officer who passed the receipt under his signatures to the petitioner fixing 22nd January, 1962, as the date, office of the Collector as the place and 2:58 P.M. as the time for the scrutiny of the nomination paper?
- 4 Did the petitioner reach the office of the Collector, Jhunjhunu at about 1:30 P.M. on 22nd January and come to know that his nomination paper was rejected?
- 5 Was the Assistant Returning Officer satisfied about the entry of the names of the candidate and the proposer in the electoral rolls after tallying the numbers of the electoral rolls at the time of presentation of the nomination paper?
6. Is the rejection of the nomination paper of the petitioner illegal for the reasons that the Returning Officer did not scrutinise it at 2:58 P.M. on 22nd January, 1962, but scrutinised it at some other time on the same date at the back of the petitioner and the proposer and without giving any finding whether the proposer was a voter in the Jhunjhunu Parliamentary constituency, or not?
7. Were the particulars given in respect of the proposer Abdul Gani in the nomination paper and relied upon by the Returning Officer in his order, dated 22nd January, 1962, for rejection of the nomination paper of the petitioner, defects of unsubstantial character not justifying the rejection of petitioner's nomination paper?
8. Was the nomination paper of the petitioner defective inasmuch as the full particulars of the electoral roll numbers of the proposer as well as the candidate were not given as prescribed by form 2A under the Conduct of Election Rules? If so, was this defect of substantial character justifying rejection of the nomination paper?

### 9. What would be the relief?

I have heard the learned counsel for the parties at considerable length on the above issues. Before entering into the discussion of issues of law I would like to decide the issues of facts which would have a great bearing on the decision of the issues of law.

#### Decision of Issue No. 2

This issue is based upon the contention of the respondent that the petitioner Balji was neither a candidate nor a voter in the Jhunjhunu parliamentary constituency and, therefore, he was not entitled to present the election petition. The issue was not very seriously pressed on behalf of the respondent at the time of arguments. What was meant by the respondent is that the nomination paper of Shri Balji having been rejected, he ceased to be a candidate at the election and he was not an elector in the Jhunjhunu parliamentary constituency and, therefore, not entitled to present the petition. It is a fact that Shri Balji is not an elector in Jhunjhunu parliamentary constituency but he is an elector in the Sikar legislative assembly and his name is entered in ward No. 14, town Sikar at No. 754 in the electoral roll of that constituency as proved by the true copy Ex. 3 produced in this petition. According to section 81 of the Representation of the People Act (hereinafter called the Act), an election petition can be presented by any candidate at the election or any elector. Section 79(b) provides that "candidate" means a person who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate." Keeping in view the meaning of word "candidate" as provided in section 79(b) of the Act, it is to be decided whether the petitioner Balji can be taken to be a candidate and he is entitled to present this election petition or not. As the meaning of the word "candidate" given in section 79(b) denotes, a person is said to be a candidate who claims to be duly nominated as a candidate and any such person shall be deemed to be a candidate as from the time he began to hold himself out as a prospective candidate. In this view of the meaning of word "candidate", a candidate whose nomination paper has been rejected, is to be taken as a candidate and he can be a petitioner. For being a petitioner what is required is that the petitioner should have been a candidate in the point of form. If a candidate whose nomination paper has been rejected is not taken to be a candidate, it means that the candidate whose nomination paper is improperly rejected cannot present an election petition. This cannot be the meaning of the word "candidate" as given in section 79(b) of the Act. I may refer in this connection to Madinapur South case—Rai Bahadur Prosanna Kumar Dass Gupta, petitioner, *vs.* Mr. Chitranjan Dass, respondent—in which the petitioner candidate's nomination paper was rejected by the Returning Officer and the petitioner withdrew his deposit after rejection of his nomination paper and still he presented an election petition and was held to be a candidate eligible for presenting an election petition. The Rajasthan High Court held in *Tekchand Vs. Banwarilal*, R.L.W. 1956, page 297 in a civil-writ application that the expression "candidate" who stood for "election" occurring in section 19 under the Rajasthan town Municipalities Act, 1951, connotes not merely the eligible candidates who actually take part in the poll but also those who fill their nomination papers to contest the election but stand rejected by the Returning Officer and were thrown out at an earlier stage and are disabled from actually taking part in the poll. No doubt, this case decided by the Rajasthan High Court was in connection with elections to a Municipal Board but the meaning of the word "candidate" expressed therein aptly applies to the instant case also. Therefore, in my view, though the nomination paper of Shri Balji was rejected at the scrutiny stage, still he is a candidate according to the meaning assigned to word "candidate" in section 79(b) of the Act and he is entitled to present this election petition as provided in section 81. This issue, therefore, stands decided against the respondent.

#### Decision of issue No. 3

The fact that the petitioner Shri Balji personally presented his nomination paper with the Returning Officer on 19th January, 1962, at 2-58 P.M. stands proved from the statements of Shri Balji, Shri Nauman Ahmed and Shri Abdul Gani. This fact, further stands supported by the annexure attached to Ex. 1, the nomination paper of Shri Balji. The presentation of the nomination paper by Shri Balji on 19th January, 1962, at 2-58 P.M. was not contested by the counsel for the respondent. This nomination paper of Shri Balji was received by Shri K. C. Jain, Assistant Returning Officer, and it stands so proved by the depositions of Shri Balji, Shri Nauman Ahmed, Shri Abdul Gani and Shri K. C. Jain. It further stands proved from the depositions of Shri Balji and Shri K. C. Jain that a

receipt Ex. 2 of the nomination paper duly signed by Shri K. C. Jain was issued at the time of the receipt of the nomination paper. The receipt Ex. 2 goes to show that 22nd January, 1962 was fixed as the date and office of the Collector as the place and 2-58 as the time for the scrutiny of the nomination paper. Thus the presentation of the nomination paper on 19th January, 1962 at 2-58 by Shri Balji and the receipt of the same by the Assistant Returning Officer and his issuing a receipt Ex. 2 under his signature stand very well proved. It also stands proved that the Assistant Returning Officer issued the receipt Ex. 2 in which he fixed 22nd day of January, as the date, Collector's office as the place and 2-58 as the time for the scrutiny of the nomination papers.

The controversy has arisen on the point whether the time of scrutiny mentioned in Ex. 2 as 2-58 was accidental slip or that was the actual time given to Shri Balji for scrutiny of his nomination paper. On behalf of the petitioner it is contended that the scrutiny time 2-58 P.M. was given intentionally by the Assistant Returning Officer, while the respondent's contention is that it was by mere accidental slip that 2-58 P.M. was mentioned as the scrutiny time in Ex. 2, which was the actual time of the presentation of the nomination paper and the Assistant Returning Officer did not intentionally give 2-58 P.M. as the time of the scrutiny of the nomination paper of the petitioner Shri Balji. The Assistant Returning Officer, Shri K. C. Jain, who has been examined on behalf of the petitioner deposed that it was just by an accidental slip of pen that he wrote 2-58 P.M. as the scrutiny time in Ex. 2. Shri Balji stated that Shri K. C. Jain, Assistant Returning Officer, did not tell him that the scrutiny time was 11 A.M. on 22nd January, 1962, but he orally told him that the time was 2-58 P.M. No question was directed to Shri K. C. Jain, Assistant Returning Officer, whether he orally informed the petitioner Shri Balji that the scrutiny time for the nomination papers was fixed at 2-58 P.M. In the election petition itself, the petitioner Shri Balji did not plead that the Assistant Returning Officer orally informed him that the scrutiny time of the nomination paper was fixed at 2-58 P.M. The petitioner's witnesses Shri Nauman Ahmed and Shri Abdul Gani also did not support the petitioner in his assertion that the Assistant Returning Officer informed Balji that the time fixed for the scrutiny of the nomination papers was 2-58 P.M. Shri Nauman Ahmed deposed that on looking into the receipt Ex. 2, he came to know that the time of scrutiny of the nomination paper was 2-58 P.M. Shri Abdul Gani also deposed that on the query of Shri Balji, Shri Nauman Ahmed said after looking into the receipt Ex. 2 that 2-58 P.M. was given as the scrutiny time and, therefore, they would have to come on 22nd January, 1962, at about 1-30 P.M. All these facts negative the assertion of Shri Balji that the Assistant Returning Officer orally told him that the scrutiny time was fixed at 2-58 P.M. It is a fact that even the Assistant Returning Officer did not depose that he informed the petitioner of the scrutiny time of the nomination papers to be at 11 A.M. on 22nd January, 1962. In these circumstances, the mention of the scrutiny time of all the nomination papers in the receipt Ex. 2 as 2-58 P.M. is by mere accidental slip and not intentional. Shri Balji was not verbally informed by the Assistant Returning Officer that the nomination papers would be taken up for scrutiny at 2-58 P.M. on 22nd January, 1962. The issue No. 3, therefore, stands decided in favour of the petitioner but the mention of the time of scrutiny of nomination papers at 2-58 P.M. in the receipt Ex. 2 was by a mere accidental slip.

#### *Decision of Issue No. 4.*

The allegation of the petitioner Shri Balji is that he reached the office of the Returning Officer, Jhunjhunu on 22nd January 1962, at 1-30 P.M. and came to know that his nomination paper was rejected. The reply of the respondent is that the petitioner Shri Balji did not reach the office of the Returning Officer on 22nd January, 1962 at 1-30 P.M. and his assertion is quite incorrect. In proof of this issue the petitioner has examined himself. Shri Nauman Ahmed, Shri Abdul Gani and Shri Shriram Basotia. There is, however, no rebuttal coming forth on behalf of the respondent. I have therefore, to scrutinise the statements of Shri Balji, Shri Abdul Gani, Shri Nauman Ahmed and Shri Shriram Basotia and to decide whether Shri Balji attended the office of the Returning Officer, parliamentary constituency, Jhunjhunu on 22nd January 1962 at 1-30 P.M. and he came to know that his nomination paper was rejected. Shri Balji, Shri Nauman Ahmed and Shri Abdul Gani deposed that they reached the courts at Jhunjhunu on 22nd January 1962 at 1-30 P.M. and were informed by Shri Shriram Basotia that Balji's nomination paper was rejected and other persons were also talking like that there. On query by Shri Balji as to how his nomination paper was rejected, Shri Shriram Basotia informed him that there was some mistake of number etc.. Then Shri Balji and Shri Nauman Ahmed appeared before the Returning Officer to know the reasons of the rejection of Balji's nomination paper. According to Shri Nauman Ahmed, the Returning Officer refused to disclose any reason of

the rejection of the nomination paper and even refused to accept an application for a certified copy of the reasons of rejection of the nomination paper and returned the application. The petitioner Shri Balji, however, deposed that when he approached the Returning Officer with a request as to how his nomination paper was rejected, the Returning Officer told him that he did not appear in time. Thereupon, he told the Returning Officer that the time of scrutiny of his nomination was at 2-58 P.M. Then the Returning Officer said that there was mistake on behalf of his proposer who mentioned his serial number as 105 in the nomination paper. Thereupon, he requested the Returning Officer that had he been present, he would have corrected the number of his proposer. Thereafter he applied for certified copies of the nomination paper as well as the reasons of its rejection but they were not supplied. Thereafter he went to his house and from there made applications to the Election Commission and the Chief Electoral Officer, Jaipur. In para No. 4 of the election petition, the petitioner alleged that he tried to make enquiries about the reasons due to which his nomination paper was rejected but the Returning Officer refused to disclose any reason and also to supply a copy of his decision. In para No. 5 of the petition, it is mentioned that the petitioner tried to obtain a copy of the order of the Returning Officer but every time that he tried, he was refused a copy by the Returning Officer. The allegations of the petitioner contained in paras No. 4 and 5 of his petition are contrary to what he has deposed on oath before the Tribunal. The petitioner deposed that the Returning Officer told him that his proposer's number was wrongly entered in the nomination form and, therefore, it was rejected but in the petition, he did not mention so. Shri Nauman Ahmed stated that the Returning Officer refused to disclose reasons for the rejection of the nomination form of the petitioner. Thus the averments made in the petition and the statement of Shri Nauman Ahmed come in conflict with the statement of Shri Balji petitioner on this point. The allegation of Shri Balji that he was refused a copy of the reasons of the rejection of his nomination paper and the application made by him in that connection was returned to him by the Returning Officer, is not supported by producing the application which the petitioner tried to produce before the Returning Officer. The Returning Officer, Shri V. I. Rajagopal deposed that had an application been presented to him for supplying a copy of the reasons of rejection of the nomination paper of Balji, it should have been on the record. He further stated that he does not recollect that anybody made a verbal request to him for the disclosure of the reasons of the rejection of Balji's nomination paper on 22nd January 1962. He further deposed that it is coward to say that he refused to accept an application presented to him in writing. It cannot be relied upon that an officer of the status of a Collector would return an application made to him for supplying a copy of the reasons of rejection of a nomination paper in the due discharge of his duties. In these circumstances, the allegation that the Returning Officer refused to accept an application presented to him for supplying a copy of the reasons of rejection of Balji's nomination paper is not correct. In view of the statement of Shri Balji, it is also not correct to say that the Returning Officer refused to disclose the reasons for the rejection of Balji's nomination paper as stated by Shri Nauman Ahmed. It has to be remarked that Shri Balji, Shri Nauman Ahmed and Shri Abdul Gani are highly interested witnesses to say that they reached the office of the Returning Officer of the Parliamentary Constituency Jhunjhunu on 22nd January 1962 at 1-30 P.M. Shri Nauman Ahmed is the person who was grossly negligent in making incorrect entries in the nomination paper of Balji and, therefore, he has to support Shri Balji anyhow in his assertions. Shri Abdul Gani is a near relative of Balji and he was Balji's proposer and was disappointed by the rejection of the nomination paper and, therefore, he has also to support Shri Balji in what he asserts. The only independent witness who deposed with respect to Balji's coming to the office of the Returning Officer on 22nd January 1962 at 1-30 P.M. is Shri Shriram Basotia. The statement of Shri Shriram Basotia when scrutinised, does not inspire belief. From his statement it is found that he has tried to support Shri Balji by narrating some incorrect facts. Shri Shriram Basotia deposed that the Returning Officer asked those who were present to go through the electoral roll and to find out the name of Balji's proposer and, thereupon, one man found out the name and said that it was there. This part of the statement of Shri Shriram Basotia is not supported by the Returning Officer, Shri V. I. Rajagopal, who deposed that he did not remember whether he asked anybody specifically to help him to locate the name of Balji's proposer by going through the whole bulk of the electoral roll. He further stated that he does not remember, whether Shri Shriram Basotia was present at the time of scrutiny or not. Shri Basotia deposed that he tallied the entry in respect of the proposer in the nomination paper of Balji with that in the electoral roll found out by somebody and saw a similarity in parentage in both. In fact the parentage of Abdul Gani is not mentioned in the nomination form. He even went to the extent of stating that Abdul Gani son of Baksha Nilgar is only one in Nawalgarh town but from the electoral rolls Ex. 4, Ex. 5 and the nomination form Ex. 1, it is revealed

that Nilgar is nowhere mentioned in any of them. He also deposed that there was no difference in ward numbers between the nomination form and the electoral roll but in fact there is a difference, as in the nomination form ward No. 13 is mentioned while in the electoral roll the name of Abdul Gani stands in ward No. 15. He was emphatic on the point that the parentage of Abdul Gani in the nomination form and the electoral roll was one and the same. As already remarked above, the parentage of Abdul Gani is not mentioned in the nomination form. Shri Shriram deposed that the name of Balji's proposer Shri Abdul Gani was discovered 8 or 10 names below in the electoral roll. In fact the name of Abdul Gani stood in the relevant roll 8 or 10 names above and not below that mentioned as his number. Looking to all these infirmities in the statement of Shri Shriram Basotia, I have a great doubt regarding the truthfulness of his statement. It appears that Shriram Basotia has by hook or crook tried to support Shri Balji in his assertions made in his election petition. In these circumstances, I cannot rely on the statement of Shri Shriram Basotia when he says that Shri Balji came to the Jhunjhunu courts on 22nd January 1962 at 1-30 P.M. and he informed him of the reasons of the rejection of his nomination paper. Had Balji come to Jhunjhunu courts on 22nd January 1962 as alleged by him, he would have issued the telegrams and applications to the election commission and the Chief Electoral Officer on the same day from Jhunjhunu but the telegrams and the letters are found to have been issued from Sikar on 25th January and 5th February, respectively, as revealed by Ex. 7 and Ex. 8 and Ex. 9. How could it be relied upon that Shri Balji who was present at Sikar did not attend the scrutiny of his nomination paper there but rushed to a distance of 45 miles to attend the same at Jhunjhunu? Therefore, on considering the oral as well as documentary evidence produced in the case, to my mind, it has not been convincingly proved that the petitioner Shri Balji reached the office of the Returning Officer, Jhunjhunu on 22nd January 1962 at 1.30 P.M. This issue, therefore, stands decided against the petitioner.

#### *Decision of issue No. 5.*

The allegation of the petitioner was that the Assistant Returning Officer was satisfied about the entries of the names of the candidate and the proposer in the electoral rolls after tallying the numbers of the electoral rolls at the time of the presentation of his nomination paper. This fact is not seriously disputed by the respondent also. On behalf of the respondent it is contended that the Assistant Returning Officer was tricked by Shri Nauman Ahmed to compare the name and the electoral roll number of the proposer with the electoral roll number of the Municipal election of Nawalgarh town ward No. 13 serial number 105 where the name of Abdul Gani/Baksha male 40 stood. The Assistant Returning Officer, Shri K. C. Jain deposed that at the time of presenting the nomination paper of Shri Balji, an entry of an electoral roll was shown to him by a person in respect of the proposer by keeping the roll in his hand and he saw that entry and that person took it away. He had no reason to suspect that the person who showed him the entry was showing him a wrong entry. Shri Nauman Ahmed stated that he placed the roll of the Municipal election before Shri K. C. Jain and he turned the papers and saw the entry of the proposer at number 105 and returned the roll to him. On a careful consideration of the statements of Shri Nauman Ahmed and Shri K. C. Jain, I am unable to conclude that Shri K. C. Jain was tricked to accept the entry of the Municipal roll of the proposer Abdul Gani to be of the electoral roll of the legislative assembly. It appears that by gross negligence, Shri Nauman Ahmed filled the form of Shri Balji by looking into the Municipal roll, ward No. 13 of Nawalgarh town, and the same entry he produced before Shri K. C. Jain, who on looking into that entry was satisfied that the proposer's name was entered at serial number 105 in the electoral roll. There does not appear to be any reason for Shri Nauman Ahmed to have tricked the Assistant Returning Officer, Shri K. C. Jain, to accept the entry of the Municipal roll to be that of the legislative Assembly electoral roll but it is a fact that Shri Nauman Ahmed was grossly negligent in filling up the form from the electoral roll of Municipality and at the same time placing the same roll before Shri K. C. Jain at the time of his satisfying about the name and electoral roll number of the proposer entered in the nomination paper. Here again Shri K. C. Jain committed a *bonafide* mistake in taking the Municipal roll to be the legislative assembly roll but it cannot be said that he intentionally, for purpose of invalidating the nomination paper of Balji, looked into the electoral roll of the Municipality instead of that of legislative assembly. It cannot be held that the Assistant Returning Officer intentionally failed in his duty in complying with the provisions of section 33(4) of the Act. In these circumstances, it has to be held that the Assistant Returning Officer tallied the name and the electoral roll number of the proposer Abdul Gani from the Municipal electoral roll instead of the legislative assembly electoral roll by a *bonafide* mistake at the time of presentation of Balji's nomination paper and he was satisfied about the entry of the



name of the proposer in the electoral roll mistakenly presented before him by Shri Nauman Ahmed. This issue is, therefore, decided accordingly.

#### Decision of Issue No. 6

The allegation of the petitioner in his petition is that the rejection of the nomination paper of the petitioner was illegal for the under mentioned reasons:—

1. That it was scrutinised on 22nd January 1962 not at 2:58 P.M. but at some other time on the back of the petitioner and his proposer.

2. That it was illegal as the Returning Officer rejected the nomination paper without giving a finding whether the proposer was a voter in the Jhunjhunu parliamentary constituency or not.

It is an admitted fact that the nomination paper of the petitioner was not scrutinised at 2:58 P.M. on 22nd January 1962 but the scrutiny of all the nomination papers began at 11 A.M. and finished before 2:58 P.M. The question that arises for consideration is whether the scrutiny of the petitioner's nomination paper made before 2:58 P.M. when the petitioner and his proposer were not present, can be said to be illegal. The petitioner's contention is that the scrutiny was illegal as it was not carried out at the fixed time given to him for such scrutiny. I have already held above that the time 2:58 P.M. mentioned in the receipt given to the petitioner of his nomination paper was by accidental slip. The receipt Ex. 2 of Shri Balji's nomination paper translated into English stands as under:—

"Serial number of nomination paper 20

The nomination paper of Balji, who is a candidate from the Jhunjhunu parliamentary constituency was delivered to me at my office on 19th January 1962 at 2:58 by the proposer.

All nomination papers will be taken up for scrutiny at 2:58 P.M. on 22nd January 1962 in the office of the Collector, Jhunjhunu.

Date 19-1-62

(Sd.) K. C. Jain,  
Assistant Returning Officer.  
19-1-62."

The above wordings of the receipt of the nomination paper of Balji go to show that it was merely by an accidental slip that the time of scrutiny for all the nomination papers was mentioned as 2:58, as that was the time of the delivery of Balji's nomination paper. Had it not been a fact, how could the time 2:58 be entered in the receipt for the scrutiny of all the nomination papers. The petitioner Balji was not a new candidate coming to the platform of elections. Shri Nauman Ahmed who was his counsel was also not a new man but an Advocate of nearly 10 years standing and as such both the petitioner and Shri Nauman Ahmed should have paused for a moment to think over as to how the time 2:58 was given for the scrutiny of all the nomination papers. It is an admitted fact that Shri Balji stood as a candidate for election in 1957 and in 1962 he stood from two constituencies, i.e., from Jhunjhunu and Sikar. It is also an admitted fact that Shri Balji previously fought Municipal elections also. It is also admitted that Shri Balji's nomination paper at Sikar was scrutinised on the same date on which the scrutiny of his nomination paper was to be held at Jhunjhunu. It is admitted by Shri Nauman Ahmed that the scrutiny of Balji's nomination paper at Sikar took place and he attended it and, thereafter, he came along with Balji to Jhunjhunu. All these facts go to show that Balji was a seasoned candidate and he could not be misled by inadvertent mention of scrutiny time at 2:58 in the receipt of the nomination paper. Similarly, it is expected that Shri Nauman Ahmed who is an Advocate of 10 years standing and who had attended the scrutiny of Balji's nomination paper on the same date at Sikar, could not have been misled by mention of time 2:58 for all the nomination papers at Jhunjhunu. In this connection the relevant provisions of sections 30 and 31 of the Act have also to be borne in mind. Section 30 of the Act provides as under:—

"As soon as the notification calling upon a constituency elect a member or members is issued, the Election Commission shall, by notification in the official gazette, appoint—

(a) the last date for making nominations, which shall be the 7th day after the date of publication of the first mentioned notification or, if that

- date is a public holiday, the next succeeding day which is not a public holiday;
- (b) the date for scrutiny of nominations, which shall be the second day after the last date for making nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (c) the last date for the withdrawal of candidatures, which shall be the third day after the date for scrutiny of nominations or, if that day is a public holiday, the next succeeding day which is not a public holiday;
- (d) the date or dates on which the poll shall, if necessary, be taken, which or the first of which shall be a date not earlier than 20th day after the last date for the withdrawal of candidatures; and
- (e) the date before which the election shall be completed."

Section 31 of the Act provides:—

"On the issue of a notification under section 30, the Returning Officer for the constituency shall give public notice of the intended election in such form and manner as may be prescribed, inviting nominations of candidates for such election and specifying the place at which the nomination papers are to be delivered."

In compliance with section 31 of the Act and Rule 3 of the Conduct of Election Rules, 1961, the Returning Officer of the Jhunjhunu parliamentary constituency issued notices Ex. A1 and Ex. A2 which were pasted on the notice board of the Collectorate, Jhunjhunu. They contained that the scrutiny time was fixed at 11 A.M. on 22nd January 1962. In the face of the notifications issued by the election commission u/s 30 and the Returning Officer u/s 31 of the Act, the allegation of the petitioner that he was given time as 2-58 P.M. for scrutiny of all the nomination papers on 22nd January 1962 cannot hold good. An argument was raised before me that Rule 3 of the Conduct of Election Rules, 1961, according to which notices Ex. A1 and Ex. A2 were issued, is *ultravires* the rule making power. To my mind, this argument of the learned counsel for the petitioner is without any force, as the Conduct of Election Rules, 1961 are made u/s 169 of the Act which provides for power to make such Rules. Sub-section 3 of section 169 provides that:—

"Every Rule made under this Act shall be laid as soon as may be after it is made before each house of parliament while it is in session for a total period of 30 days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree that the rule should be either modified or annulled, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Rule."

This provision in sub-section (3) of section 169 goes to show that the rules framed under section 169 of the Act are placed before the parliament and they are enforced when passed by the parliament. In such circumstances, the notices issued by the Returning Officer under rule 3 of the Conduct of Election Rules, 1961, in compliance with section 31 of the Act cannot be said to be *ultravires* the rule making authority of the Government. The notification issued by the election commission u/s 30 in the official gazette is a notice to each and every one, including the candidate and his proposer. Therefore, the time of scrutiny mentioned in the notification issued u/s 30 and the notices issued by the Returning Officer in the form prescribed by rule 3 of the Conduct of Election Rules, 1961, in compliance with section 31 of the Act has to be taken as the correct time for the scrutiny of the nomination papers and the time written in the receipt Ex. 2 given to the petitioner Balji cannot hold good. No law was brought to my notice according to which, if by inadvertence a different time from that mentioned in the notifications issued u/ss 30 and 31 of the Act is given, and the nomination papers are scrutinised at the notified time, the scrutiny can be said to be illegal. It was argued that under sec. 35 of the Act the Returning Officer on receiving the nomination paper is to inform the person delivering the nomination paper of the date, time and place fixed for the scrutiny of that nomination paper and that could be the only time for the scrutiny of that nomination paper. It is, no doubt, provided in section 35 that the Returning Officer shall on receiving the nomination paper inform the person delivering the same of the date, time and place for scrutiny of the nominations but it does not provide that for each nomination paper separate

time would be given. In view of my holding that the time mentioned in the receipt Ex. 2 delivered to Balji as 2-58 being by accidental slip, it cannot be held that the scrutiny of all the nomination papers which began from 11 A.M. was illegal. The petitioner Balji and his proposer, no doubt, remained absent but for this absence they have to blame themselves and nobody else. Therefore, in my view, the scrutiny of Balji's nomination paper at a time fixed in the notifications issued under secs. 30 and 31 of the Act cannot be said to be illegal.

It was next argued that there was no finding of the Returning Officer that Abdul Gani was not a voter in Jhunjhunu parliamentary constituency and, therefore, the rejection of the nomination paper was illegal. I was not shown any provision of law according to which it may be obligatory for the Returning Officer to give a finding that the proposer was not a voter in the constituency from which the candidate was proposed. It was also argued that the election law must be strictly observed and a mere substantial compliance will not be enough. I do not think there is any such non-compliance with law in the instant case which can go to make the election of the returned candidate void. In these circumstances, the fact of giving no finding by the Returning Officer that the proposer Abdul Gani was a voter or not in the Jhunjhunu parliamentary constituency, does not invalidate the election of the respondent.

The result is that this issue stands decided against the petitioner.

#### *Decision of Issues No. 7 and 8*

These issues are inter-related. Therefore, they are being disposed of together. Before deciding these issues, the relevant provisions of the Act and Rules have to be set out. Section 33 of the Act provides:—

- “(1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven O'clock in the fore-noon and three O'clock in the afternoon deliver to the Returning Officer at the place specified in this behalf in the notice issued u/s 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer.
- (2) In a constituency where any seat is reserved, a candidate shall not be deemed to be qualified to be chosen to fill that seat unless his nomination paper contains a declaration by him specifying the particular caste or tribe of which he is a member and the area in relation to which that caste or tribe is a scheduled caste, or, as the case may be, a scheduled tribe of the State.
- (3) Where the candidate is a person who, having held any office referred to in clause (f) of section 7, has been dismissed and a period of 5 years has not elapsed since the dismissal, such person shall not be deemed to be duly nominated as a candidate unless his nomination paper is accompanied by a certificate issued in the prescribed manner by the election commission to the effect that he has not been dismissed for corruption or disloyalty to the State.
- (4) On the presentation of a nomination paper, the Returning Officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:

Provided that the Returning Officer shall permit any clerical or technical error in the nomination paper in regard to the said names or numbers to be corrected in order to bring them into conformity with the corresponding entries in the electoral rolls; and where necessary, direct that any clerical or printing error in the said entries shall be overlooked.

- (5) Where the candidate is elector of a different constituency, a copy of the electoral roll of that constituency or of the relevant part thereof or a certified copy of the relevant entries in such roll shall, unless it has been filed along with the nomination paper, be produced before the Returning Officer at the time of scrutiny.
- (6) Nothing in this section shall prevent any candidate from being nominated by more than one nomination paper:

Provided that not more than 4 nomination papers shall be presented by or on behalf of any candidate or accepted by the Returning Officer for election in the same constituency.”

## Section 35:—

"The Returning Officer shall, on receiving the nomination paper under sub-section (1) of section 33, inform the person or persons delivering the same on the date, time and place fixed for the scrutiny of nominations and shall enter on the nomination paper its serial number, and shall sign thereon a certificate stating the date on which and the hour at which the nomination paper has been delivered to him; and shall, as soon as may be thereafter, cause to be affixed in some conspicuous place in his office a notice of the nomination containing descriptions similar to those contained in the nomination paper, both of the candidate and of the proposer."

## Section 36:—

- "(1) On the date fixed for the scrutiny of nominations u/s 30, the candidates, their election agents, one proposer of each candidate, and one other person duly authorised in writing by each candidate, but no other person, may attend at such time and place as the Returning Officer may appoint; and the Returning Officer shall give them all reasonable facilities for examining the nomination papers of all candidates which have been delivered within the time and in the manner laid down in section 33.
- (2) The Returning Officer shall then examine the nomination papers and shall decide all objections which may be made to any nomination, and may, either on such objection or on his own mention, after such summary enquiry, if any, as he thinks necessary, reject any nomination paper on any of the following grounds:—
  - (a) That on the date fixed for the scrutiny of nominations, the candidate either is not qualified or is disqualified for being chosen to fill the seat under any of the provisions that may be applicable, namely:—
 

Articles 84, 102, 173, 191 and part II of this Act.
  - (b) That there has been a failure to comply with any of the provisions of section 33 or section 34; or
  - (c) That the signature of the candidate or the proposer on the nomination paper is not genuine.
- (3) Nothing contained in clause (b) or clause (c) of sub-section (2) be deemed to authorise the rejection of the nomination of any candidate on the ground of any irregularity in respect of a nomination paper, if the candidate has been duly nominated by means of another nomination paper in respect of which no irregularity has been committed.
- (4) The Returning Officer shall not reject any nomination paper on the ground of any defect which is not of a substantial character.
- (5) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under clause (b) of section 30 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by riot or open violence or by any causes beyond his control:

Provided that in case an objection is raised by the Returning Officer or is made by any other person, the candidate concerned may be allowed time to rebut it not later than the next day but one following the day fixed for scrutiny, and the Returning Officer shall record his decision on the date to which the proceedings have been adjourned.

- (6) The Returning Officer shall endorse on each nomination paper his decision accepting or rejecting the same and, if the nomination paper is rejected, shall record in writing a brief statement of his reasons for such rejection.
- (7) For the purposes of this section, a certified copy of an entry in the electoral roll for the time being in force or a constituency shall be conclusive evidence of the fact that the person referred to in that entry is an elector for that constituency, unless it is proved that he is subject to a disqualification mentioned in section 16 of the R.P. Act, 1950.
- (8) Immediately after all the nomination papers have been scrutinised and decisions accepting or rejecting the same have been recorded, the Returning Officer shall prepare a list of validly nominated candidates,

that is to say, candidates whose nominations have been found valid, and affixed it to his notice board."

The nomination paper of a candidate to the parliamentary constituency has to be filled in under rule 4 of the Conduct of Election Rules, 1961 according to form 2A which is as under:—

## FORM 2A

## NOMINATION PAPER

(See rule 4)

*Election to the House of the People*

(To be filled by the proposer)

I hereby nominate ..... as a candidate for election from the ..... Parliamentary constituency.

1. Full name of proposer .....
2. Electoral roll number of proposer .....
3. Name of candidate's father/husband .....
4. Full postal address of candidate .....
5. \*Electoral roll number of candidate .....

Date .....

Signature of proposer

(To be filled by the candidate)

I, the above mentioned candidate, assent to this nomination and hereby declare—

- (a) that I have completed ..... years of age;
- (b) that the symbols I have chosen are in order of preference
  - (i) .....
  - (ii) ..... and
  - (iii) .....

Date .....

Signature of candidate.

Further declaration to be made by a scheduled caste or a scheduled tribe candidate.

I hereby declare that I am a member of the ..... caste/tribe which is a scheduled caste/tribe of the State of ..... in relation to ..... (area) in that State.

Date .....

Signature of candidate.

\*Here insert—

- (i) the name of the parliamentary constituency;
- (ii) the name of the component assembly or electoral college constituency in the electoral rolls of which the name of the proposer or the candidate as the case may be, has been entered;
- (iii) the Serial number of the part of the electoral roll in which such entry occurs; and
- (iv) the serial number of the entry in that part.

Illustration—

Lucknow Parliamentary constituency;

Lucknow city East Assembly constituency;

Part 7

No. 358

(To be filled by the returning officer)

Serial No. of nomination paper .....

This nomination was delivered to me at my office at ..... (hour) on ..... (date) by the candidate/proposer.

Date .....

Returning Officer.

**Decision of Returning Officer Accepting or Rejecting the Nomination paper.**

I have examined this nomination paper in accordance with section 36 of the Representation of the People Act, 1951, and decide as follows:—

Date .....

Returning Officer.

Receipt for nomination paper and Notice of scrutiny  
(To be handed over to the person presenting the nomination paper)

Serial No. of nomination paper .....

The nomination paper of ..... a candidate for election from the ..... Parliamentary constituency, was delivered to me at my office at ..... (hour) on ..... (date) by the candidate/ proposer. All nomination papers will be taken up for scrutiny at ..... (hour) on ..... (date) at ..... (Place).

Date .....

Returning Officer.

The nomination paper of Shri Balji which is Ex. 1 when translated into English stands as under:—

**FORM 2A****NOMINATION PAPER**

(See rule 4)

*Election to the House of People*

(To be filled by the proposer)

I hereby nominate from the Jhunjhunu parliamentary constituency Shri Balji as a candidate for election.

1. Full name of proposer—Abdul Gani

2. Electoral roll number of proposer—105 ward No. 13, Nawalgarh

3. Name of candidate's father—Suleman

4. Full postal address of the candidate—Balji Rangrej, Idgah Masjid, Sikar

5. Electoral roll of candidate—754 ward No. 14, Sikar.

Dated 19-1-62.

(Sd.) ABDUL GANI

Signature of proposer

(To be filled by the candidate)

I, the above named candidate assent to this nomination and hereby declare—

(a) that I have completed 55 years of age;

(b) that the symbols I have chosen are in order of preference:—

(i) Scales

(ii) Cycle

(iii) Motor

Dated 19-1-62.

(Sd.) BALJI

Signature of candidate

The above nomination paper of Shri Balji was rejected by the Returning Officer of the Jhunjhunu parliamentary constituency for the reasons mentioned below:—

“(1) The scrutiny of nomination papers commenced at 11 A.M. on this date and during the scrutiny and till the termination of the scrutiny neither the candidate Balji nor his proposer Abdul Gani nor any election agent or representative on his behalf attended.

(2) The proposer has given his electoral roll number as 105 ward No. 13 (Nawalgarh). The name of Atmaram/Rangopal appears in the relevant electoral roll against these particulars.

- (3) The wrong particulars given by the proposer Abdul Ganl constitute a defect of substantial character. The nomination paper is, therefore, rejected.
- (4) All present at the time of scrutiny were given full opportunities to examine the nomination form before the final decision was given.

January 22, 1962.

Sd./- V. I. RAJAGOPAL,  
Returning Officer, Jhunjhunu,  
Parliamentary Constituency, Jhunjhunu."

The first contention raised by the learned counsel for the petitioner is that the Assistant Returning Officer failed to comply with the provisions of section 33(4) and section 35 and, therefore, the rejection of the nomination paper of the petitioner was improper and the election of the respondent is void. The failure pointed out in respect of section 33(4) is that the Returning Officer failed in correctly satisfying himself regarding the name and electoral roll number of the proposer Abdul Ganl at the time of the presentation of the nomination paper. The failure in observance of the provision of section 35 is contended to be that the Assistant Returning Officer did not inform the petitioner of the time fixed for the scrutiny of the nomination paper but, to the contrary, he wrote the time 2.58 P.M. in the receipt Ex. 2 which led the petitioner to believe that his nomination paper would be scrutinised at that particular hour and not before that. I may at once say that the first failure pointed out on behalf of the Assistant Returning Officer by the petitioner is against his own allegations in his petition. In para No. 8(a) the petitioner alleged that at the time of the presentation of the nomination form the Assistant Returning Officer after tallying the number of the electoral roll of the proposer was satisfied about its being entered in the electoral roll. As I have already held above the Assistant Returning Officer was shown the electoral roll of the Municipal elections of Nawalgarh and not the legislative Assembly roll of Nawalgarh. Consequently, there was no failure on the part of the Assistant Returning Officer in compliance with the provisions contained in section 33(4). Even if it is taken to be a failure on the part of the Assistant Returning Officer, it cannot help the petitioner to contend that his nomination paper was improperly rejected. In this connection I may refer to *Dahusao Vs. Ranglal Chaudhary and others*, 22 E.L.R. Page 299 wherein Their Lordships of Patna High Court held:—

"Though the Returning Officer would be well advised to compare the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper with those entered in the electoral rolls when the papers are presented and, if he does so the technical error of omission of the name of the constituency would be detected and could be allowed to be corrected at the time of presentation of the nomination paper itself. Failure of the Returning Officer to follow this procedure would not cure the defect, if there has been a failure to comply with the provisions of section 33(1) on the part of the candidate in not filing a nomination paper completed in the prescribed form. Such a defect could not be allowed to be remedied at the time of scrutiny at which the only jurisdiction of the Returning Officer is to see whether the names were in order and to hear and decide the objections."

This view of Their Lordships of the Patna High Court was affirmed by Their Lordships of the Supreme Court of India in *Ranglal Chaudhary appellant Vs. Dahusao and others* A.I.R. 1962 S.C. 1248, wherein it was held:—

"That the purpose of this provision was that the Returning Officer should be able readily to check that the proposer and the candidate were voters in the electoral roll. There was a defect in these two columns. Section 33(4) of the Act casts a duty on the Returning Officer to satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper were the same as those entered in the electoral roll and gave him the power to permit the removal of any defect in this connection. The failure of the Returning Officer to give this opportunity for correction did not, however, mean that the defect could be ignored if it was of a substantial character."

In *Brij Behari Vs. Mirza Ahmad Ali* 22 E.L.R. Page 455 wherein the nomination of a candidate for a seat in the council of States for the Union territory Delhi, the proposer instead of giving his serial number in the list of the members of the electoral college for that territory mentioned his serial number in the electoral roll of the parliamentary constituency of the Chandni-Chowk constituency and his nomination was rejected u/s 36(2)(b) of the Representation of the People Act—

on the ground that there was a failure to comply with the provisions of section 33 of the Act; the election Tribunal Delhi held that as the serial number of the proposer in the list of members of the electoral college of the Union territory at Delhi was not stated in the nomination paper there was a failure to comply with the provisions of section 33 of the Act and the defect was of a substantial character in the nomination paper and, therefore, it was properly rejected. It was further held that the failure of the Returning Officer to satisfy himself about the identity of the proposer would not cure this defect in the nomination paper and the fact that the Returning Officer had refused to allow an adjournment to enable the petitioner to call the proposer for the purpose of identification was also immaterial, as there was a substantial defect in the nomination paper itself. Thus in view of these decisions, even if it may be taken that there was failure on the part of the Assistant Returning Officer in compliance with the provisions of section 33(4) of the Act, that does not absolve the petitioner from mentioning the correct particulars with respect to the proposer in his nomination paper. Therefore, even though the Assistant Returning Officer is taken not to have complied with the provisions of section 33(4) of the Act, though this allegation is quite against the contents of the petition, yet the petitioner's nomination paper cannot be held to be valid.

The second non-compliance of the provision of law alleged is that the Assistant Returning Officer did not inform the petitioner of the correct time of scrutiny. To the contrary, he mentioned 2.58 as the scrutiny time for all the nomination papers while the nomination papers were taken up for scrutiny at 11 A.M. and, therefore, the Assistant Returning Officer failed to comply with the provisions of section 35 of the Act. I have already discussed this point during the course of the decision on issue No. 3 in this petition and held that it was a mere accidental slip that the Assistant Returning Officer wrote the scrutiny time 2.58 in the receipt of the nomination form issued to the petitioner. I have also observed during the course of the decision of that issue that a seasoned candidate, like Shri Balji, and an Advocate of standing of 10 years, like Shri Nauman Ahmed, could not be legitimately misled by mention of scrutiny time as 2.58 in the receipt of the nomination form issued to the petitioner. In these circumstances, the failure alleged on behalf of the petitioner in compliance with section 35 of the Act is also not helpful to him.

It was next argued by the learned counsel for the petitioner that nobody present objected to the nomination paper of Shri Balji, that the identity of Balji's proposer Abdul Gani was established, that there is nothing in Ex. 13 to show that the identity of the proposer Abdul Gani was doubted by the Returning Officer, and that the wrong serial number and ward number of the proposer Abdul Gani given in the nomination paper did not constitute a defect of a substantial character whereby Balji's nomination paper could be rejected. He further contended that by inadvertence the proposer Abdul Gani's serial number and ward number were mentioned from the Municipal roll of Nawalgarh town whereas they should have been mentioned from the legislative Assembly electoral roll. He admitted that in the legislative assembly roll at No. 105 ward No. 13 there stood the name of Atmaram/Ramgopal. He further contended that the name of the proposer Abdul Gani stood in the same electoral roll at serial number 96 in ward No. 15 and there was no reason for not relying on that entry. The reply of the learned counsel for the respondent is that Balji's identity was not established before the Returning Officer at the time of scrutiny and nobody present showed the name of Abdul Gani at serial number 96 in the legislative assembly electoral roll to the Returning Officer. At the serial number 105 ward No. 13 of the legislative assembly rolls the name of Atmaram/Ramgopal was discovered by the Returning Officer and, therefore, though nobody present objected to the nomination paper of Balji, yet the mention of the wrong serial number and ward number from a roll which was not of the legislative assembly constituted a defect of a substantial character and the Returning Officer was quite justified in rejecting the nomination paper of the petitioner Shri Balji.

In view of the above contentions of the learned counsel for the parties, the first point that requires decision is whether the identity of the proposer Abdul Gani was established at the time of the scrutiny of the nomination paper or not. The petitioner's witnesses Shri Shriram Basotia, V. D. Sharma and Behari Pharti deposed that the identity of the petitioner's proposer Abdul Gani was established at the time of the scrutiny of the nomination paper. I have, therefore, to scrutinise the depositions of these witnesses and to decide whether they can be relied upon or not to prove that the identity of Shri Abdul Gani, proposer of Balji, was established at the time of scrutiny before the Returning Officer. Out of the three witnesses who deposed that the identity of Abdul Gani was established, only Shri Shriram Basotia knew Abdul Gani from before that date. I have already considered the statement of Shri Shriram Basotia in part and rejected it. Now I have to see from the



statement of Shri Basotia whether it has been satisfactorily proved or not that the identity of the proposer Abdul Gani was established before the Returning Officer. Shri Basotia stated that when the name of Abdul Gani was not found out at the number given in the nomination paper in ward No. 13, somebody present there searched out his name and showed it to him, which he compared with the name of Abdul Gani entered in the nomination form, and found that the name and parentage in both the nomination form and the electoral roll were the same but only there was a difference of number in them. Shri Basotia went on further to say that in Nawalgarh legislative assembly constituency, there is only one Abdul Gani Nilgar. This part of the statement of Shri Basotia is rendered untrustworthy when the nomination of Shri Balji is looked into, as the nomination paper only contains the name Abdul Gani. It neither contains his parentage nor his caste as Nilgar. Even the entry in the legislative assembly roll at No. 96 does not contain the caste of Abdul Gani mentioned at that number. In these circumstances, the statement of Shri Basotia that from the comparison of the parentage and his knowing that Abdul Gani was a Nilgar, it cannot be said that Shri Basotia traced out the real proposer of the petitioner Balji. Shri Basotia further deposed that there was no difference of ward number between the entry contained in the nomination paper of Balji and the roll of the legislative assembly, in which the name of Abdul Gani was shown at serial No. 96. This part of his statement is also incorrect, as in the nomination paper ward number mentioned is 13 while in legislative assembly roll in which serial No. 96 exists, the ward No. is 15. Shri Basotia further went on to say that he was certain that in the nomination form as well as in the electoral roll of the constituency Abdul Gani son of Baksha was written. This part of the statement of Shri Basotia is incorrect as in the nomination form Ex. 1, Baksha is not mentioned. Shri Basotia had, ultimately, to admit that, if the difference in ward numbers was brought to his notice, he could not say that the names Abdul Gani mentioned in those wards were of the one and the same Abdul Gani. He had also to admit that, had it been brought to his notice that Abdul Gani/Baksha was not mentioned in one entry, while in other it was so mentioned, he would not have arrived at a decision as to which Abdul Gani was meant by those entries. Again in the same breath Shri Basotia said that he could arrive at a conclusion, in these circumstances, that they were with respect to one and the same Abdul Gani. Such a swerving statement of Shri Basotia cannot attract confidence. Shri Basotia further deposed that they had seen the name of Balji's proposer Abdul Gani 8 or 10 names below in the list. This means that the name of Abdul Gani was seen 8 or 10 names below the number 105 mentioned in the nomination form. If this meaning is attached to this part of the statement of Shri Basotia, it turns out to be false. The name of Abdul Gani/Baksha stands nine names above the serial number 105 and not 8 or 10 names below in the legislative assembly roll. Shri Basotia had to admit that there were nearly 8 or 10 names of Abdul Gani in the electoral rolls marked Ex. A 3/1 to Ex. A 3/19, but he stated that among them there was no Abdul Gani son of Baksha. Thus from the statement of Shri Basotia what could be concluded is that either Abdul Gani son of Baksha or his caste Nilgar should have been mentioned in order to his being certain that that Abdul Gani was the proposer of Balji. It is, however, revealed from the nomination paper Ex. 1 that in it neither Baksha is mentioned nor Nilgar is mentioned. In such circumstances, the statement of Shri Basotia cannot be relied upon for proving the identity of Balji's proposer Abdul Gani. The second witness who stated with respect to the identity of Abdul Gani is Shri V. D. Sharma. The statement of Shri V. D. Sharma with respect to the identity of Abdul Gani is mainly based upon the knowledge derived by him from Shri Shriram Basotia. He stated that Shri Shriram Basotia told him that Balji's proposer Abdul Gani was Nilgar and Balji was also a Nilgar. The other reason disclosed by Shri V. D. Sharma for locating the name of Balji's proposer is that he saw the name of Abdul Gani at serial No. 96 and no other name of Abdul Gani was seen by him and, therefore, he thought that that Abdul Gani was the proposer of Balji. I do not think this can be a valid reason for Shri V. D. Sharma's concluding that Abdul Gani mentioned at serial number 96 ward No. 15 was the same Abdul Gani as proposer of Balji, as it is evident from his own statement that there are several names 'Abdul Gani' in Ex. A 3/2, Ex. A 3/8 and Ex. A 3/11. He could not give out any other reason for his concluding that Abdul Gani mentioned at serial number 96 in ward No. 15 was the same person as the proposer of Balji. When Shri V. D. Sharma did not know Balji's proposer Abdul Gani from before the date of scrutiny of his father's name or caste, and when there were several persons, named 'Abdul Gani' in the legislative assembly roll of Nawalgarh constituency, how could he be expected to say that Abdul Gani S/o Baksha entered at serial number 96 was the same person as the proposer of Balji. I think Shri V. D. Sharma was mainly guided by Shri Shriram Basotia to say that Abdul Gani mentioned at serial number 96 ward No. 15 was that person who was the proposer of Balji. As I have already discussed above, the statement of

Shri Shriram Basotia himself is not worthy of reliance and, therefore, the statement of Shri V. D. Sharma, which is based upon his information acquired from Shri Basotia cannot be relied upon to prove that Abdul Gani entered at serial number 96 ward No. 15 was the same person as the proposer of Shri Balji. The third witness who deposed regarding the identity of Shri Abdul Gani is Shri Behari Bharti. Shri Behari Bharti stated that he did not see the Nawalgarh Municipal roll at the time of scrutiny. It is so, how could he say that the serial number 105 of the proposer entered in the nomination paper of Shri Balji was from the Municipal roll of Nawalgarh. Shri Behari Bharti deposed that he requested the Returning Officer that the nomination paper of Shri Balji should not be rejected as the name of Abdul Gani son of Baksha was found at serial number 96 in ward No. 15, who could be the proposer of Balji but the Returning Officer did not agree with him. This fact shows that Shri Behari Bharti himself was not sure that that Abdul Gani was the proposer of Balji. Shri Behari Bharti had to admit that as the description given of Abdul Gani in the nomination paper did not tally with that entered in legislative assembly electoral roll, the decision of the Returning Officer regarding the rejection of the nomination paper of Balji was correct to that extent. This shows that Shri Behari Bharti himself was not sure that the name of Abdul Gani entered at serial number 96 in ward No. 15 of the Nawalgarh legislative assembly roll was of Abdul Gani proposer of Balji. In rebuttal of this evidence Shri V. I. Rajagopal stated that he does not remember whether anybody pointed out the entry at serial No. 96 in ward No. 15 to be of the proposer of Shri Balji. Had such an entry been pointed out to him, he would not have treated it as irrelevant not to be included in the reasons of the rejection of the nomination paper. Shri Sitaram Parasrampuria R.W. 1 definitely stated that nobody pointed out any particular entry from the assembly electoral roll which was in respect of Balji's proposer. In view of this evidence of the parties, it is not satisfactorily proved that the identity of Balji's proposer Abdul Gani was established before the Returning Officer at the time of the scrutiny of the nomination paper of Balji.

The next contention of the learned counsel for the petitioner, which is the most important point to be decided in this petition, is whether the mention of the electoral roll No. 105, ward No. 13 (Nawalgarh) in the nomination form of Balji was only a defect of clerical or technical or unsubstantial character not justifying the rejection of the nomination paper for the reasons mentioned by the Returning Officer in his grounds of rejection of that nomination paper. Here it has to be kept in view that it stands admitted that the serial number and ward number of the proposer Abdul Gani were not entered in the nomination form of Balji from the electoral roll of Nawalgarh legislative assembly but from the Municipal roll of that town. The learned counsel for the petitioner contended that the defect was only of a clerical or technical or unsubstantial character, while the learned counsel for the respondent argued that the defect was of a substantial character justifying the rejection of the nomination paper of Shri Balji. The main ground on which the Returning Officer rejected the nomination paper of Balji is that at the electoral roll No. 105 ward No. 13 (Nawalgarh) there stood the name of Atmaram/Ramgopal and this defect was a defect of a substantial character. Therefore, it is to be seen as to what is required to be entered in column No. 2 of the form 2 A prescribed under rule 4 of the Conduct of Election Rules, 1961. Rule 2(F) of the Conduct of Election Rules, 1961 provides that "electoral roll number" of a person means:—

- (i) the serial number of the entry in the electoral roll in respect of that person;
- (ii) the serial number of the part of the electoral roll in which such entry occurs; and
- (iii) the name of the constituency to which the electoral roll relates.

At the foot of the nomination for 2A it has been clearly and specifically mentioned by giving an illustration as to with what particulars and in what manner the column No. 2 thereof is to be filled up. The illustration makes it clear that the name of the parliamentary constituency, the name of the component assembly or electoral college constituency in the electoral rolls of which the name of the proposer or the candidate, as the case may be has been entered; the serial number of the part of electoral roll in which such entry occurs and the serial number of the entry in that part are to be entered. In the present case the serial number mentioned in the nomination form is admittedly not from the assembly constituency roll, the ward number is also not from the assembly constituency roll, the part number of the roll is not mentioned but only Nawalgarh is mentioned. Therefore, in filling up the column No. 2 of the nomination paper Ex. 1 there is admittedly a defect in mentioning the electoral roll number and ward number of

the proposer from an assembly constituency. This being so, the omission to mention the correct serial number and the ward number from the electoral roll of the Nawalgarh assembly constituency undoubtedly amounts to failure to comply with the provisions of section 33(i) of the Act. Therefore, the provision contained in section 36(2)(b) of the Act, which authorises the Returning Officer to reject a nomination paper, is attracted. It was, however, vehemently argued that it was obligatory on the Returning Officer to hold a summary enquiry u/s 36(2) of the Act before the rejection of the nomination paper. In this connection it was argued that none of the persons present raised an objection to the nomination paper of Shri Balji and the Returning Officer himself was able to find out the relevant roll in which at serial number 96, the name of Balji's proposer stood. The question that arises is whether it was obligatory on the part of the Returning Officer to hold an enquiry to know whether the name of Balji's proposer stood in that electoral roll or not. In my opinion, the answer must be in the negative. I may refer here to 22 E.L.R. page 366 Brijendralal Gupta and another *vs.* Jawala Prasad and others—in which Their Lordships of the Supreme Court of India observed as under:—

"If the nomination paper of respondent 5 did not comply with the provisions of section 33, the case fell squarely u/s 36(2)(b), and the only question which can arise in such a case is whether or not the defect arising from the failure to comply with the provisions of section 33 is of a substantial character or not. If the defect is not of a substantial character, the Returning Officer shall not reject the nomination paper on the ground of the said defect; if, on other hand, the defect is of a substantial character, the Returning Officer has to reject the nomination paper on the ground of the said defect. That is the effect of the provisions of section 36(2)(b) and (4) read together. An enquiry which is necessary u/s 36(2) (a) may and can be held for instance, in cases where the nomination paper shows the age of the candidate as above 25, but an objection has been raised that in fact he is below 25 and as such incompetent to stand for election under article 173 of the constitution; in other words, the impugned nomination has complied with the provisions of section 33 and as such does not fall under section 36(2)-(b) at all, nevertheless, the validity of the nomination can be challenged on the ground that in fact article 173 is not complied with. Cases falling under this class may be distinguished from cases falling u/s 36(2)(b). In the latter class of cases, the failure to comply with the section 33 being established, there is no scope for any enquiry u/s 36(2)(a). Once the alleged non-compliance is proved, the defective nomination falls to be accepted or rejected according as the defect is of an unsubstantial character or of a substantial character. Therefore, it is not right to hold that even after the Returning Officer was satisfied that the omission to specify his age showed that the nomination paper of respondent 5 had not complied with the provisions of section 33, he should still have held an enquiry u/s 36(2)(a). Non-compliance with the provisions of section 33 itself would justify the rejection of the nomination paper provided of course that the defect arising from the non-compliance in question is of a substantial character."

Bearing in mind the principles laid down by Their Lordships of the Supreme Court in the above said case, it is evident that because there was non-compliance with the provisions of section 33 in the instant case, there was no scope for enquiry to be held as provided in section 36(2). Once the non-compliance of the provisions of section 33 is proved, the defective nomination paper cannot be accepted, if the defect is of a substantial character. In such circumstances, it cannot be held that the Returning Officer was bound to hold any enquiry at the stage of scrutiny.

The next question, therefore, arises is whether the defect noticed in the nomination paper of Shri Balji by the Returning Officer was a defect of a substantial character or not. It is an admitted fact that the electoral roll number of the proposer Abdul Gani mentioned in the nomination paper Ex. 1 was not from the electoral roll of the legislative assembly of Nawalgarh but it was from the Municipal roll of the town of Nawalgarh. As such the electoral roll number of the proposer Abdul Gani mentioned in the nomination paper of Shri Balji is no electoral roll number at all. To validate a nomination to the house of the people, the electoral roll number of the proposer has to be given from the parliamentary constituency, which may consist of several legislative assembly constituencies. Here I may refer to a decision of Their Lordships of the Rajasthan High Court reported in 12 E.L.R. page 216—Brijinder Sharma *vs.* The election Tribunal, Jaipur and others—in which the serial number of the candidate mentioned in the nomination paper was from an electoral roll of a constituency which had been superseded and

a new electoral roll of that constituency had come into force and a certified copy of the superseded electoral roll was annexed to the nomination paper but a certified copy of the correct roll was, however, produced at the time of scrutiny of the nominations. The Returning Officer refused to allow the serial number of the candidate to be corrected at the time of scrutiny and rejected the nomination paper on the ground that it did not comply with section 33(i) of the Act. In an election petition, the Tribunal by a majority judgment held that, though there was a substantial defect in the nomination paper, as a certified copy of the new electoral roll subsequently prepared was produced at the time of scrutiny and the candidate's name appeared in that roll and there was also no dispute as to the identity of the candidate, the nomination paper was improperly rejected. The Chairman of the Tribunal, however, disagreed with the majority view and held that the mention of the correct serial number of the candidate in the nomination paper was material for determining not only the identity but also the eligibility of the candidate and there was a substantial non-compliance with the provisions of the section 33 of the Act and the defect was not cured by the production of a certified copy of the correct roll at the time of scrutiny of the nomination paper. In an application to the High Court under articles 226 and 227 of the constitution to quash the order of the election Tribunal, the High Court reversing the judgment of the majority and agreeing with the dissenting opinion of the Chairman held:—

- “(1) That giving the serial number of the candidate in the superseded roll and not giving the number in the roll which was in force at the time of the nomination was equivalent to giving no number at all and amounted to a substantial non-compliance with the provisions of section 33;
- (2) the mistake was not merely a clerical or printing error which could be rectified or overlooked under the proviso to sec. 33(5);
- (3) the error in the nomination paper could not be rectified at the time of scrutiny;
- (4) the opinion of the majority of the Tribunal that the defect in the nomination lost its substantial character on the production of the roll of 1952 as there was no dispute about the identity of the candidate and the Returning Officer could have easily seen from the copy of the roll of 1952 that the candidate was entered in that roll, was erroneous;”

The facts of this case are very near to the facts of the instant case. In this case the electoral roll number of the candidate was given from a superseded roll and a copy of the newly prepared roll was produced at the time of scrutiny, still it was held that the defect of mentioning the electoral roll of the candidate from the superseded roll was a defect of a substantial character and the mention of the electoral roll number of the candidate from a superseded roll was equivalent to giving no number at all. In the instant case, the serial number and the ward number of the proposer were not given from the legislative assembly roll of Nawalgarh constituency but they were given from a quite different roll of Municipal elections in the town of Nawalgarh, which was no roll in the eye of law for election of a member to the House of the People. In these circumstances, to my mind, the mention of the electoral roll No. 105 ward No. 13 of the Municipal roll of Nawalgarh in respect of the proposer Abdul Gani amounted to mentioning no serial number and ward number of the proposer from the relevant electoral roll and it was a defect of a substantial character. The learned counsel for the petitioner relied upon a case reported in 14 E.L.R. page 210 Rosamma Punnase Vs. K. Balakrishnan Nair and another, decided by Their Lordships of Kerala High Court wherein it was held that:—

“When a wrong part number is furnished with regard to the proposer in a nomination paper it cannot be said that the nomination paper has been duly completed in the prescribed form, but whether the defect is substantial or not will depend on whether it is such as to defect the purpose of the requirement that the electoral roll number of the proposer should be entered in the nomination paper, and obviously that purpose is to ensure that the proposer's name can be readily located in the electoral roll so as to enable the Returning Officer to satisfy himself that the proposer is an elector of the constituency as required by section 33(1), before he accepts the nomination paper u/s 36(6).

Whether a defect is substantial or not is not a question to be answered in the abstract but is to be determined in relation to the surrounding facts, the test, in a defect like the present being whether the purpose

of the information required to be furnished is defeated. Where the purpose is not defeated, the defect cannot be regarded as substantial."

In this case, two proposers for nomination to a particular constituency were electors in that constituency and qualified to act as proposers. The serial number of one of the proposers was No. 811 in part No. 115 of the electoral roll and that of the other was No. 927 in part 111, but in furnishing the electoral roll numbers of the electors in the nomination papers while their serial numbers in the respective parts and the name of the constituency were correctly entered, the serial numbers of the parts in the roll were wrongly entered as 60, instead of 115 and 111, respectively, in both the papers. The mistake arose because the part in question was number 60 in the roll before the constituencies were reconstituted and the number 60 was not properly defaced in the printed copies. There was no dispute as to the identity or eligibility of the proposers, but the nomination was rejected by the Returning Officer on account of the fact that the serial numbers of the parts were wrongly entered. Therefore, it was held, in the circumstances of the case, that the mistake in the nomination paper was not a defect of a substantial nature within the meaning of section 36(4) of the Act and the nomination paper was wrongly rejected. The facts of this case are quite different from the facts of the instant case. It was in view of the special circumstances of that case that Their Lordships held that wrong entries of serial numbers of the parts in the electoral roll was not a defect of a substantial nature. To my mind, this case does not apply to the facts of the instant case.

A number of rulings such as:

Ajayab Singh and another Vs. Karnail Singh and others 6 E.L.R. page 368

Gurnam Singh and another Vs. Pratap Singh and others 7 E.L.R. page 338

Jaswant Singh Vs. Mangaldass and others 9 E.L.R. page 385

Ram Singh Vs. Hajarilal and others 6 E.L.R. page 224.

were cited by the learned counsel for the petitioner to contend that the defects revealed in the nomination paper of Shri Balji were not defects of a substantial character. I have gone through these rulings but, to my mind, these rulings are not applicable to the facts of the instant case.

Here it is to be considered as to what is the object of prescribing a form to be filled in as directed by the rules. The object of prescribing a form containing the particulars required to be mentioned therein is that so much particulars should be given that a candidate or a proposer can be readily located by the Returning Officer at the time of the scrutiny of the nomination paper. It is not incumbent on the Returning Officer to rummage the whole bulk of the electoral roll of a constituency to find out the correct serial number of the proposer, the serial number of the part of the electoral roll and the name of the constituency. Had it been the duty of the Returning Officer to search the whole of the electoral roll to find out identity of the candidate or the proposer, it would not have been provided in section 33(1) of the Act that a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer shall be presented. In the instant case, as the serial number and the ward number of the proposer Abdul Gani were not correctly mentioned, the Returning Officer could not readily locate the name of Balji's proposer Abdul Gani in the electoral roll of the legislative assembly of Nawalgarh constituency. To the contrary, at the serial number mentioned in the nomination paper he found a different name, i.e., Atmaram Ramgopal. Therefore, the supply of the serial number and ward number of the proposer Abdul Gani from the Municipal roll of Nawalgarh town is a defect which is neither clerical nor technical nor unsubstantial. To my mind, the defect with respect to the serial number and the ward number of the proposer Abdul Gani mentioned in the nomination paper Ex.1 is a defect of a substantial character justifying the rejection of the nomination paper of the petitioner Balji.

The defects pointed out in respect of the candidate by the respondent in filling the nomination form are not such defects which may be called to be of substantial character. With respect to the candidate his serial number and ward number are correctly given while the name of the constituency is only mentioned Sikar. To my mind, the non-mention of Sikar legislative assembly did not create any difference of substantial character, as by mention of Nawalgarh the Returning Officer was able to locate serial number 105 in ward number 15 of Nawalgarh. Similarly, by mention of serial number 754 ward No. 14 of Sikar, the Returning Officer could be able to locate the name of the candidate. Also a certified copy of the entry of the candidate's name in Sikar legislative assembly was produced along with the

nomination paper. Therefore, the defect in mentioning the particulars in the nomination paper of Shri Balji with respect to the candidate were not defects of a substantial character but as regards the particulars mentioned in the nomination paper of his proposer Abdul Gani, the defect was of a substantial character.

The result of the above discussion is that the mention of serial No. 105 and ward No. 13 from the Municipal roll of Nawalgarh town in the nomination paper of the petitioner with respect to the proposer Abdul Gani was a defect of a substantial character and the nomination paper of the petitioner Shri Balji was properly rejected by the Returning Officer. The issues No. 7 and 8, therefore, stand decided accordingly.

#### *Decision of Issue No. 1*

The decision of issue No. 1 is without any meaning in view of my finding that the nomination paper of Shri Balji petitioner was properly rejected. However, it cannot be held that the petitioner's petition did not disclose a cause of action. The petitioner contended that there was non-compliance with the provisions of the Act by the Assistant Returning Officer, that the identity of his proposer was established at the time of the scrutiny of his nomination and that the defect of mentioning serial number and ward number of the proposer, by inadvertence, from the Municipal roll was not a defect of a substantial character justifying the rejection of his nomination paper. "Cause of action" means a bundle of facts asserted by a petitioner which entitles him to certain relief. Therefore, all the assertions made by the petitioner in his petition disclosed a cause of action in his favour. Hence this issue is decided against the respondent.

#### *Relief*

The result of the findings on the issues is that the nomination paper of the petitioner Shri Balji was properly rejected by the Returning Officer of the Jhunjhunu Parliamentary constituency. This petition deserves to be dismissed. I, therefore, dismiss this petition according to Sec. 98 (a) of the Representation of the People Act, 1951. The respondent, who is a returned candidate, would get the costs incurred by him in contesting the petition from the petitioner Shri Balji. The expenses paid to the witness Shri V. I. Rajagopal would be taxed at Rs.105.12 n.P. only, as the witness had to appear second time before the Tribunal due to the fault of the respondent. The counsel's fee is assessed at Rs. 250/-. I, however, make no order for payment of interest on the costs awarded to the respondent.

Sd./- ROOP SINGH,

Member, Election Tribunal, Jhunjhunu.

Announced in the open court on this day the 23rd of December, 1963.

Sd./- ROOP SINGH,

Member, Election Tribunal, Jhunjhunu.

[No. 82/295/62.]

By order,

V. RAGHAVAN, Under Secy.

### MINISTRY OF LAW

(Legislative Department)

New Delhi, the 13th January 1964

**S.O. 189.**—In exercise of the powers conferred by sub-section (3) of section 1 of the Specific Relief Act, 1963 (47 of 1963), the Central Government hereby appoints the first day of March, 1964, as the date on which the said Act shall come into force.

[No. F. 11(8)/62-Leg.II.]

S. P. SEN VARMA, Spl. Secy.

**MINISTRY OF HOME AFFAIRS***New Delhi, the 8th January 1964*

**S.O. 190.**—In pursuance of clause (1) of article 239 of the Constitution and in supersession of the notifications of the Government of India—

- (i) in the late Home Department No. F. 126/37-Pub dated the 1st April, 1937, in so far as it relates to the discharge of functions under the Land Acquisition Act, 1894 (1 of 1894), by the Chief Commissioner of Delhi,
- (ii) in the Ministry of Home Affairs No. 20/11/53-Judl. (SRO 2751) dated the 19th August, 1954, in so far as it relates to the exercise of powers, and discharge of functions, under the Land Acquisition Act, 1894 (1 of 1894), by the Chief Commissioner of Delhi,
- (iii) in the late Ministry of States No. 104J (SRO 460) dated the 24th August, 1950, in so far as it relates to the exercise of powers, and discharge of functions, under the Land Acquisition Act, 1894 (1 of 1894), by the Lieutenant Governor of Himachal Pradesh and the Administrators of Manipur and Tripura, and
- (iv) in the Ministry of Home Affairs No. 70/87/52-AN dated the 8th December, 1952, and No. 70/87/52-AN dated the 12th January, 1954,

and in partial modification of the notification of the Government of India in the Ministry of Home Affairs S.R.O. No. 2536 dated the 1st November 1956, the President hereby directs that, subject to his control and until further orders, the Administrators (whether known as Lieutenant Governor, Chief Commissioner or by any other designation) of the Union territories of Delhi, Himachal Pradesh, Manipur, Tripura, and Andaman and Nicobar Islands, shall exercise the powers, and discharge the functions, of the appropriate Government under—

- (i) the Land Acquisition Act, 1894 (1 of 1894), except those of the Central Government under the provisos to sub-section (1) of section 55; and
- (ii) the Land Acquisition (Companies) Rules, 1963, within their respective territories.

[No. F. 19/118/62-JUDL.II.]

K. R. PRABHU, Dy. Secy.

**MINISTRY OF FINANCE****(Department of Expenditure)***New Delhi, the 31st December 1963*

**S.O. 191.**—In pursuance of clause (3) of article 77 of the Constitution and of all other powers enabling him in this behalf, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1958, namely:—

1. The rules may be called the Delegation of Financial Powers (Fifth) Amendment Rules, 1963.
2. In the Delegation of Financial Powers Rules, 1958, in Schedule I,
  - (A) under the heading "D—Ministry of Finance (Department of Economic Affairs)" after item 12 and the entries relating thereto, the following item shall be inserted and shall be deemed to have been inserted with effect from the 18th day of July, 1963, namely:—  
"13. Master, India Government Mint, Hyderabad."
  - (B) under the heading "E—Ministry of Finance (Revenue Department)", for item 14 and the entries relating thereto, the following shall be substituted and shall be deemed to have been substituted with effect from the 1st day of October, 1963, namely:—  
"14. Collector of Customs and Central Excise, Coa."
  - (C) under the heading "G—Ministry of Food and Agriculture (Department of Food)", after item 4, the following item shall be inserted

and shall be deemed to have been inserted with effect from the 3rd day of August, 1963, namely:—

“5. Officer on Special Duty, Central Institute of Fisheries Operatives, Cochin.”

(D) under the heading “L—Ministry of Labour and Employment” item 5 shall be omitted.

(E) under the heading “X—Union Territories”, the following shall be inserted and shall be deemed to have been inserted with effect from the 17th day of October, 1963, namely:—

“(c) Goa, Daman and Diu,

1. Director of Accounts.

2. Collector, Daman.”

[No. F. 2(11)-E.II(A)/63.]

R. K. AGRAWAL, Dy. Secy.

**(Department of Economic Affairs)**

*New Delhi, the 8th January 1964*

**S.O. 192.**—In pursuance of rule 6 of the Industrial Finance Corporation Rules, 1957, the Central Government hereby notifies that the Corporation has, with the prior approval of the Central Government, fixed the rate of interest to be charged by the Corporation on the foreign currencies sub-loans granted by it (i) out of new Francs loan of 50 million sanctioned by the Banque Francaise Du Commerce Extérieur, Paris and (ii) out of the Deutsche Marks loan of 25 million sanctioned by the Kreditanstalt Fur Wiederaufbau, Frankfurt/Main, West Germany (German Bank for Reconstruction), at 8½ per cent per annum less a rebate of ½ per cent for punctual repayment of principal and payment of interest (that is to say, net 8 per cent per annum).

[No. F. 2(125)-Corp/63.]

M. K. VENKATACHALAM, Dy. Secy.

**(Department of Economic Affairs)**

*New Delhi, the 8th January 1964*

**S.O. 193.**—In exercise of the powers conferred by clause (c) of sub-section (1) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates, with effect from the 15th January, 1964, Shri P. L. Tandon, Hindustan Lever House, Backbay Reclamation, Bombay-1, as a director of the Central Board of the Reserve Bank of India.

[No. F. 3(72)-BC/63.]

*New Delhi, the 10th January 1964*

**S.O. 194.**—In exercise of the powers conferred by clause (c) of sub-section (1) of section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government hereby nominates, with effect from the 15th January, 1964, Shri Kasturiswamy Srinivasan, ‘Kalpana’, Avanasli Road, Coimbatore, as a director of the Central Board of the Reserve Bank of India.

[No. F. 3(72)-BC/63.]

R. K. SESHADRI,

Director (Banking and Insurance).



## (Department of Economic Affairs)

*New Delhi, the 10th January 1964*

**S.O. 195.**—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Vettaikaranpudur Mahajana Bank Ltd., Vettaikaranpudur in respect of the property held by it at Vettaikaranpudur, Coimbatore District, Madras State till the 31st December, 1964.

[No. F. 15(32)-BC/63.]

*New Delhi, the 13th January 1964*

**S.O. 196.**—Whereas schemes have been sanctioned by the Central Government for the amalgamation of banks specified in column 1 of the Schedule below with the banks specified in the corresponding entries in column 2 thereof;

And whereas, a difficulty has arisen in giving effect to the said schemes;

Now therefore, in exercise of the powers conferred by sub-section (10) of section 45 of the Banking Companies Act, 1949 (10 of 1949), the Central Government hereby directs that, notwithstanding anything contained in the Companies Act, 1956 (1 of 1956), it shall not be necessary for any of the transferor banks specified in column 1 of the said Schedule to comply with the provisions of sections 159 and 285 of the Companies Act, 1956.

**SCHEDULE**

1	2
Transferor Banks	Transferee Banks
(i) Unity Bank Ltd., Madras	State Bank of India
(ii) Bank of Alagapuri Ltd., P. Alagapuri	Indian Bank Ltd., Madras.

[No. F. 17(1)-BC/64.]

B. J. HEERJEE, Under Secy.

## (Department of Economic Affairs)

New Delhi, the 10th January 1964

S.O. 197.—Statement of the Affairs of the Reserve Bank of India, as on the 3rd January 1964

## BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	21,16,49,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	3,23,000
National Agricultural Credit (Long Term Operations) Fund . . . . .	73,00,00,000	Small Coin . . . . .	2,61,000
National Agricultural Credit (Stabilisation) Fund . . . . .	8,00,00,000	National Agricultural Credit (Long Term Operations) Fund	
Deposits:—		(a) Loans and Advances to:—	
(a) Government:		(i) State Governments . . . . .	26,91,13,000
(i) Central Government . . . . .	52,52,77,000	(ii) State Co-operative Banks . . . . .	8,92,70,000
(ii) State Governments . . . . .	9,66,34,000	(iii) Central Land Mortgage Banks . . . . .	3,55,31,000
(b) Banks:		(b) Investment in Central Land Mortgage Bank Debentures . . . . .	
(i) Scheduled Banks . . . . .	85,13,95,000	National Agricultural Credit (Stabilisation) Fund	
(ii) State Co-operative Banks . . . . .	3,52,39,000	Loans and Advances to State Co-operative Banks . . . . .	
(iii) Other Banks . . . . .	2,41,000	Bills purchased and Discounted:—	
(c) Others . . . . .	173,93,07,000	(a) Internal . . . . .	
Bills Payable . . . . .	36,37,25,000	(b) External . . . . .	
Other Liabilities . . . . .	46,73,88,000	(c) Government Treasury Bills . . . . .	79,54,50,000
		Balances Held Abroad* . . . . .	8,33,41,000
Rupees . . . . .	573,92,06,000	Loans and Advances to Governments** . . . . .	44,27,71,000
		Loans and Advances to:—	
		(i) Scheduled Banks† . . . . .	26,79,40,000
		(ii) State Co-operative Banks†† . . . . .	134,01,22,000
		(iii) Others . . . . .	1,65,70,000
		Investments . . . . .	190,88,75,000
		Other Assets . . . . .	27,79,90,000
		Rupees . . . . .	573,92,06,000

\*Includes Cash and Short-term Securities.

\*\*Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 8,71,00,000 advanced to scheduled banks against usance bills under section 17(4) (c) of the Reserve Bank of India Act.

†† Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, and the National Agricultural Credit (Stabilisation) Fund.

Dated the 5th day of January 1964.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 3rd day of January 1964.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department	21,16,49,000		Gold Coin and Bullion —		
Notes in circulation	2369,17,57,000		(a) Held in India	117,76,10,000	
Total Notes issued		2390,34,06,000	(b) Held outside India		
			Foreign Securities	97,45,69,000	
			TOTAL		215,21,79,000
			Rupee Coin		115,81,25,000
			Government of India Rupee Securities		2059,31,02,000
			Internal Bills of Exchange and other commercial paper		
TOTAL LIABILITIES		2390,34,06,000	TOTAL ASSETS		2390,34,06,000

Dated the 8th day of January 1964.

P. C. BHATTACHARYYA,  
Governor.

{No. F. 3(2)-BC/64.}

A. BAKSI, Jt. Secy.

## (Department of Revenue)

## (Company Law Division)

*New Delhi, the 8th January 1964*

**S.O. 198.**—In continuation of Notification No. S.O. 3338 dated 28th November, 1963 and in exercise of the powers conferred by clause (a) of sub-section (i) of Section 448 of the Companies Act, 1956 (I of 1956) the Central Government hereby appoints Shri Kora Chandy, retired Deputy Registrar of High Court of Mysore, Bangalore to continue to be the part-time Official Liquidator attached to that Court from 1st January, 1964 to 3rd January, 1964 (afternoon).

[No. 8(17)-Admn.II/61.]

**S.O. 199.**—In exercise of the powers conferred by clause (a) of sub-section (i) of section 448 of the Companies Act, 1956 (I of 1956), the Central Government hereby appoints Shri E. Massilamani, an advocate to be the part-time Official Liquidator attached to the High Court of Mysore, Bangalore with effect from 3rd January, 1964, (afternoon) until further orders *vice* Shri Kora Chandy.

[No. 8(17)-Admn.II/61.]

P. B. SAHARYA, Under Secy.

## (Department of Revenue)

## ORDER

## STAMPS

*New Delhi, the 18th January 1964*

**S.O. 200.**—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (II of 1899) and in supersession of the notifications of the Government of India in the Ministry of Finance (Department of Revenue) S.O. No. 477 dated the 17th of February, 1961, S.O. No. 1220 dated the 28th April, 1962 and S.O. No. 3355, dated the 18th of October, 1962, the Central Government hereby remits the duty with which 4½ per cent. Punjab Financial Corporation Bonds 1971 of value of Rs. 54,89,500/- (Rupees fifty-four lacs eighty-nine thousand and five hundred only) and 4½ per cent. Punjab Financial Corporation Bonds, 1974, of the value of Rs. 55.00 lacs (Rupees fifty-five lacs only) and 4½ per cent. Punjab Financial Corporation Bonds 1974 (Second Series) of the value of Rs. 55.00 lacs (Rupees fifty-five lacs only) issued by the Punjab Financial Corporation are chargeable under the said Act.

[No. 31. F. No. 1/81/63-Cus.VII.]

M. G. VAIDYA, Under Secy.

## CENTRAL BOARD OF DIRECT TAXES

## INCOME-TAX

*New Delhi, the 18th January 1964*

**S.O. 201.**—In exercise of the powers conferred by sub-section (1) of section 122 of the Income Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following further amendments in the schedule appended to the late Central Board of Revenue Notification S.O. 2747 (No. 61-Incometax, dated 19th September, 1963), dated 28th September, 1963, namely:—

In the said Schedule against Jullundur and Ambala Ranges, under Col. 2, the following entries shall be substituted, namely:—

Jullundur Range

1. All Incometax Circles, Wards or Districts having headquarters at:—

- (i) Jullundur.
- (ii) Gurdaspur.
- (iii) Batala.
- (iv) Pathankot.
- (v) Hoshiarpur.
- (vi) Chandigarh.

2. Special Survey Circle, Amritsar (in respect of persons who have their place of business in or reside in the Districts of Jullundur, Gurdaspur and Hoshiarpur).
3. Special Survey Circle, Patiala (in respect of persons who have their place of business in or reside in the jurisdiction of Incometax Circle Chandigarh and Salary Circle, Jullundur).

**Ambala Range**

1. All Incometax Circles, Wards or Districts having headquarters at:—
  - (i) Ambala.
  - (ii) Yamuna Nagar.
2. Special Survey Circle, Patiala, (in respect of persons who have their place of business in or reside in the District of Ambala).

*Explanatory Note*

The amendments have become necessary on account of creation of new Income-tax Circles in the C.I.T.'s charge.

(The above note does not form a part of the notification but is intended to be merely clarificatory).

[No. 2 (F. No. 50/14/63-IT).]

S. DWIVEDI, Under Secy.

**MINISTRY OF STEEL, MINES & HEAVY ENGINEERING**

(Department of Iron and Steel)

New Delhi, the 9th January 1964

**S.O. 202/ESS.COMM/IRON AND STEEL-2(c)/AM(109).**—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the Notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said Notification, in columns 2 and 3 thereof, against 'OTHERS' the following entry shall be added, namely:—

1	2	3
54. Deputy Director (Engineering) and ex-officio Assistant Iron and Steel Controller (Grade I), Iron and Steel Controller's Office, Calcutta.		4, 5, 10, 11, 18, 20, 22 and 23

[No. SC(A)-2(10)/61.]

A. N. RAJAGOPALAN, Under Secy.

(Department of Mines and Metals)

**ERRATA**

New Delhi, the 8th January 1964

**S.O. 203.**—In the Notification of the Government of India, late Ministry of Mines and Fuel No. S.O. 2760, dated 19th September, 1963 and published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 28th September, 1963, at pages 3523 to 3525:—

1. At page 3523, in the third paragraph, in line 4, for "Schedule and the rights to mine", read "Schedule A and the rights to mine".

2. At page 3524,

- (i) in line 20, for "pass" read "passes".
- (ii) in line 28, for "P.S." read "P.C."  
No. No.
- (iii) in line 39, for "K—I line passes" read "H—I line 'passes'".

[No. C2-25 (4)/61.]

**S.O. 204.**—In the Notification of the Government of India, in the late Ministry of Mines and Fuel, S.O. No. 2759, dated the 19th September, 1963 published in Part II, Section 3, sub-section (ii) of the Gazette of India, dated the 28th September, 1963, at pages 3522 and 3523:—

At page 3523—

In the sixth and seventh lines, for "Bernu" read "Bermo".

[No. C2-20(21)/62.]

A. NABAR, Under Secy.

### MINISTRY OF INTERNATIONAL TRADE

*Bombay, the 16th November 1963*

**S.O. 205.**—In exercise of the powers conferred on me by clause 3, 4, 13, 14A and 17 of the Cotton Control Order, 1955 and of all other powers enabling me in this behalf, I hereby make the following further amendment in the Textile Commissioner's Notification No. S.O. 1204, dated 20th April, 1963, namely:—

1. In the said Notification, in sub-clause (i) of clause 10, after the word "officers", the following words shall be added, namely:—

"of the Sea-Island Cotton Development Scheme".

2. In the said Notification, in sub-clause (e) of clause 11, after the word "provided", the following word shall be added, namely:—

"that"

3. In the said Notification, in sub-clause (k)(i) of clause 11, the following word shall be deleted, namely:—

"Cambay"

4. In the said Notification, in sub-clause (q) of clause 11,

(i) for the word 'any' occurring after the word "or", the following word shall be substituted, namely:—

"other"

(ii) In the last sentence, the following words shall be deleted, namely:—

"and Marathwada".

5. In the said Notification, in sub-clause (t)(3) of clause 11, after the word "Gujarat", the following word shall be added, namely:—

"and"

6. In the said Notification, in Schedule 'A', in column 3, against "Kalyan" of column 1, for the figures "197.20" the following figures shall be substituted, namely:—

(702)

"202"

(718.80)

7. In the said Notification, in sub-clause (b) of clause 10, after the word "Hybrid", the following words shall be added, namely:—

"and I.S.C. 67".

8. In the said Notification, for sub-clause "(b)(i)" of clause 11, the following sub-clause shall be substituted, namely:—

"(b)(i) "Digvijay (A)" means cotton recognised as such (including Vijay and grown in the districts of Surat, Broach, Baroda, Kaira (except talukas of Cambay and Petlad), Panchmahals and Sabarkantha of Gujarat State and Banswara District of Rajasthan".

(Sd.) R. DORAISWAMY,  
Textile Commissioner.

[No. 24(1)-Tex(A)/63.]

### CORRIGENDUM

*Bombay, the 16th November 1963*

**S.O. 206.**—In the Ministry of Commerce & Industry's Notification No. S.O. 1204, dated the 20th April, 1963, published on pages 1369 to 1381 of the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated 27th April, 1963.

- (i) On page 1372 in line 54, for 'price' read 'prices'.
- (ii) On page 1374 in line 22, for 'Marketing' read 'Marking'.
- (iii) On page 1376 in line 60, for 'Marketing' read 'Marking'.
- (iv) On page 1376 in line 66, for '(t)(1)' read '(t)(1)(1)'.
- (v) On page 1378 in line 34, for '99/32' read '29/32'.
- (vi) On page 1377 in line 19, for '11' read '12'.
- (vii) On page 1377 in line 32, for '12' read '13'.

(Sd.) R. DORAISWAMY,  
Textile Commissioner,

[No. 24(1)-Tex(A)/63.]

B. K. VARMA, Under Secy.

### TEA CONTROL

*New Delhi, the 9th January 1964*

**S.O. 207.**—In exercise of the powers conferred by section 4 of the Tea Act, 1953 (29 of 1953), read with rules 4 and 5 of the Tea Rules, 1954, the Central Government hereby appoints Shri A. L. A. R. Somanadhan Chettiar as a member of the Tea Board until the 31st March, 1966 and makes the following further amendment in the notification of the Government of India in the late Ministry of Commerce and Industry No. S.O. 1151, dated the 20th April, 1963, namely:—

In the said notification, after entry 34B, the following entry shall be inserted, namely:—

"34C. Shri A. L. A. R. Somanadhan Chettiar, Hereditary Trustee, Rameswaram Devasthanam, Devakkottal Road P.O., Rameswaram.	Representing consumers and other interests".
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[No. 7(1)Plant(A)/62.]

B. KRISHNAMURTHY, Under Secy.

### MINISTRY OF TRANSPORT

(Transport Wing)

*New Delhi, the 7th January 1964*

**S.O. 208.**—In exercise of the powers conferred by clause (i) of article 299 of the Constitution, the President hereby directs that the supplemental agreement in further modification to the principal agreement as modified by the first supplemental agreement, made in the exercise of the executive power of the Union with River Steam Navigation Co., Ltd. (40 St. Mary Axe, London and 2, Fairlie Place, Calcutta) for setting out the exact date of commencement and

completion of the repayment of the loan and the enhancement of the rate of interest, may be executed on his behalf by the Chairman Inter-State Transport Commission, New Delhi.

[No. 7-IWT(105)/61.]

G. VENKATESWARA AYYAR, Secy.

(Directorate General of Shipping)

MERCHANT SHIPPING

*Bombay, the 7th January 1964*

**S.O. 209.**—In exercise of the powers conferred by sub-section (2) of Section 8 of the Merchant Shipping Act, 1958 (44 of 1958) read with the orders of the Government of India in the late Ministry of Transport & Communications No. S.O. 771, dated the 7th March, 1962 and S.O. No. 2090, dated the 19th July, 1963, the Director General of Shipping hereby appoints with effect from the 10th July, 1963, Shri A. Krishnan, Engineer and Ship Surveyor as the Officer who shall be incharge of the office of the Mercantile Marine Department, at the port of Mormugoa.

[No. 139-SH(52)/61.]

**S.O. 210.**—In exercise of the powers conferred by sub-section (1) of section 9 of the Merchant Shipping Act, 1958 (44 of 1958) read with the order of the Government of India in the late Ministry of Transport & Communications No. S.O. 771, dated the 7th March, 1962, the Director General of Shipping hereby appoints with effect from the 10th July, 1963, the officers specified in the second column of the schedule annexed hereto to be surveyors for the purpose of the said Act at the Port specified in the corresponding entry in the first column of the said schedule.

SCHEDULE

Port	Officers
Mormugoa	Shri A. Krishnan, Engineer and Ship Surveyor attached to the office of the Mercantile Marine Department, Mormugoa. Shri P. S. Barve, Nautical Surveyor attached to the office of the Mercantile Marine Department, Mormugoa.

[No. 139-SH(52)/61.]

**S.O. 211.**—In exercise of the powers conferred by sub-clause (i) of the clause (b) of section 37 of the Merchant Shipping Act, 1958 (44 of 1958) read with the order of the Government of India in the late Ministry of Transport and Communications No. S.O. 3144, dated the 17th December, 1960, the Director General of Shipping hereby authorises with effect from 10th July, 1963, the Surveyor-in-Charge, Mercantile Marine Department, Mormugoa to endorse and sign on certificates of registry a memorandum of the change of Master occurring at that port.

[No. 139-SH(52)/61.]

**S.O. 212.**—In exercise of the powers conferred by sub-section (4) of section 332 of the Merchant Shipping Act, 1958 (44 of 1958) read with the order of the Government of India in the late Ministry of Transport & Communications No. S.O. 3144, dated the 17th December, 1960, the Director General of Shipping hereby authorises with effect from 10th July, 1963, the officers specified in the second column of the Schedule hereto annexed to inspect ships carrying grain



cargoes and the mode of stowage therein at the port specified in the corresponding entry in the first column thereof namely:—

**SCHEDULE**

Port	Officers
Mormugoa	Engineer and Ship Surveyor, Mercantile Marine Department, Mormugoa. Nautical Surveyor, Mercantile Marine Department, Mormugoa.

[No. 139-SH(52)/61.]

**S.O. 213.**—In exercise of the powers conferred by sub-section (1) of Section 237 of the Merchant Shipping Act, 1958 (44 of 1958), read with the order of the Government of India in the late Ministry of Transport & Communications No. S.O. 3144, dated the 17th December, 1960, the Director General of Shipping hereby appoints with effect from 10th July, 1963, the Ports of Mormugoa and Panjim as the ports from which unberthed passenger ships may depart or proceed, or at which unberthed passengers may be discharged.

[No. 139-SH(52)/61.]

**S.O. 214.**—In exercise of the powers conferred by sub-section (1) of section 287 and sub-section (2) of section 358 of the Merchant Shipping Act, 1958 (44 of 1958), read with the order of the Government of India in the late Ministry of Transport and Communications No. S.O. 3144, dated the 17th December, 1960, the Director General of Shipping hereby appoints with effect from the 10th July, 1963 at the Port of Mormugoa and Panjim the Officers specified in the Annexed Schedule for the purposes of the said sections, namely:—

**SCHEDULE**

The Surveyor-in-charge,  
Mercantile Marine Department,  
Mormugoa.

The Nautical Surveyor,  
Mercantile Marine Department,  
Mormugoa.

[No. 139-SH(52)/61.]

**S.O. 215.**—In exercise of the powers conferred by sections 121(1), 157(1), 206, 210, 238(1), 248(2) and 253(1) of the Merchant Shipping Act, 1958 (44 of 1958), read with the order of the Government of India in the late Ministry of Transport and Communications No. S.O. 3144, dated the 17th December, 1960, the Director General of Shipping hereby appoints the Surveyor-in-Charge, Mercantile Marine Department, Mormugoa for the purpose of the respective sections.

[No. 139-SH(52)/61.]

**NAGENDRA SINGH,**  
Director General of Shipping.

**MINISTRY OF EDUCATION**

(Department of Education)

**ARCHAEOLOGY**

New Delhi, the 6th January 1964

**S.O. 216.**—Whereas the Central Government is of opinion that the archaeological site and remains specified in the schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said archaeological site and remains to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said archaeological site and remains will be considered by the Central Government.

SCHEDULE

Serial No.	State	District	Tehsil	Locality	Name of monument/ site	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
	Bihar	Patna	Revenue No. 402.	Thana Village. Bargaon	Ancient mound together with adjacent land comprised in survey plot numbers mentioned in col. 7.	Whole of survey plot Nos. 3073, 3074, 3083, 3089, 3090, 3092, 3093, 3094, 3095, 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3175, 3176, 3177, 3178, 3179, 3180, 3181, 3183, 3184, 3185, 3191, and part of survey plot No. 3182 as shown in plan.	5.57 acres	<p><i>North:—</i>                      Survey plot Nos. 3088, 3087, 3086, 3084, 3082, 3076, 3075, 3066, 3067, and 3068.</p> <p><i>East:—</i>                      Survey plot Nos. 3072, 3118, 3117, 3111, 3173, 3174, 3194, and remaining portion of survey plot No. 3182.</p> <p><i>South:—</i>                      Survey plot Nos. 3192, 3190, 3186, and 2901 (D.B. Road)</p> <p><i>West:—</i>                      Survey plot Nos. 2901 (D.B. Road) and 3091.</p>	Survey plot Nos. 3103 & 3182— State Govt. remaining plots are privately owned.	



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**S.O. 217.**—Whereas the Central Government is of opinion that the archaeological site and remains specified in the schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said archaeological site and remains to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said archaeological site and remains will be considered by the Central Government.

## SCHEDULE

Serial No.	State	District	Tehsil	Locality	Name of monument/site.	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1.	Bihar	Patna	Revenue Thana No. 402.	Village Muddaffarpur.	Ancient mound together with adjacent land comprised in survey plot numbers mentioned in col. 7.	Whole of Survey plot Nos. 4738, 4739, 4740, 4741, 4742, 4743, 4744, 4745, 4746, 4747, 4748, 4749, 4750, 4751, 4752, 4753, 4754, 4755, and 4756.	1.64 acres	<p><i>North</i> :— Embankment, Survey plot No. 4668.</p> <p><i>East</i> :— Survey plot Nos. 4681, 4682, and 4737.</p> <p><i>South</i> :— Survey plot Nos. 4735, 4768, 4767, 4766, 4762, 4761 and 4757.</p> <p><i>West</i> :— Embankment, Survey plot No. 4668.</p>	Survey plot No. 4749:—State Government. Remaining plots are privately owned.	

[No. F. 4-29/83-C1.]

S. J. NARSIAN,

Assistant Educational Adviser.

## MINISTRY OF PETROLEUM &amp; CHEMICALS

New Delhi, the 9th January 1964

**S.O. 218.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the Ankleshwar oil field in Gujarat State to Baroda in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed thereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, objection to the laying of the pipeline under the land to the competent authority at Elampeco, 4th Floor Sayajiganj Opp. College Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipeline Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

STATE : GUJARAT

DISTRICT.  
BARODA.TALUKA :  
PADRA :

Village	Survey No.	Acre	Guntha	Sq. yds.
Gaya	644/1	0	3	10
"	643	0	6	21
"	640	0	12	41
"	639	0	10	73
"	638	0	2	19
"	637	0	8	74
"	647	0	2	7
"	648	0	11	84
"	Road bet. S. No. 648 and 650	0	1	1
"	650	0	9	0
"	635	0	3	117
"	652	0	26	90
"	658	0	19	97
"	Road bet. S. No. 667 and 658	0	1	73
"	667	0	24	83
"	669	0	17	43
"	670	0	7	9
"	671/1	0	7	9
"	671/2	0	2	11
"	Kans bet. S. No. 671/2 and 501/1	0	5	118
"	501/1	0	4	45
"	497	0	9	117
"	498	0	2	68
"	Road bet. S. No. 498 and 472/2	0	3	10
"	474/2	0	3	42
"	496	0	0	92
"	474/1	0	16	55
"	475	0	5	17
"	476	0	10	34
"	477	0	26	35
"	478	0	26	35
"	458	0	0	100
"	457/1	0	8	28
"	Road bet. S. No. 457 and 423	0	5	17
"	422	0	0	100
"	423	0	25	86
"	427/1	0	19	19
"	427/2	0	7	24

Village	Survey No.	Acre	Guntha	Sq. yds.
"	432	0	8	28
"	433	0	15	52
"	434/1	0	0	71
"	Road bet. S. No. 433 and 396	0	8	32
"	396	0	20	69
"	395	0	6	21
"	Road bet. Sim. Darapura	0	1	35
"	424	0	0	15
Sangma	Road bet. Simada Sokheda.	0	1	3
"	49	0	19	42
"	47/1	0	11	109
"	47/2	0	4	14
"	Road bet. S. No. 51 and 47/2	0	0	113
"	Railway	0	5	45
"	Road bet. S. No. 42 and 57	0	0	64
"	43	0	0	64
"	42	0	0	28
"	57	0	20	38
"	58/1	0	9	116
"	60	0	13	107
"	63	0	14	35
"	64	0	1	8
"	62	0	21	103
"	Road bet. No. 62 and 100	0	2	100
"	100	0	20	100
Sangma	99	0	3	96
"	98	0	20	22
"	102	0	0	11
"	96	0	15	16
"	94	0	1	70
"	95	0	16	55
"	93	0	12	41
"	92	0	10	34
"	91/1	0	1	3
"	Rd. bet. S. No. 88 and 92	0	1	107
"	87	0	0	90
"	88	0	3	99
"	89	0	5	17
"	82	0	14	9
"	Rd. bet. S. No. 82 and 111	0	1	35
"	111/1	0	19	65
"	112	0	16	48
"	113/1	0	0	18
"	114/3	0	15	52
"	51	0	6	74
Sokhada Khurd,	Rd. bet. Simada Sangma	0	1	3
"	485	0	25	33
"	486	0	18	0
"	487 and 488	0	17	90
"	Rd. bet S. No. 457 and 488	0	5	17
"	459	0	15	90
"	460	0	30	103
"	457	0	15	52
"	500	0	0	18
Darapura	Road V. P.	0	1	35
"	328/2	0	10	66
"	340	0	5	33
"	341	0	20	69
"	366	0	16	8
"	Road V. P.	0	1	35
"	S. N. 366 & 345	0	2	69
"	345/1	0	11	23
"	345/2	0	1	109
"	345/4	0	10	104
"	346	0	4	14



Village	Survey No.	Acre	Guntha	Sq. Yds.
Darapura	Road V. P. S. N. 346 & 406	0	3	104
"	406	0	22	76
"	407	0	8	28
"	405	0	20	108
"	401	0	6	21
"	412	0	2	7
"	399	0	11	56
"	413/1	0	2	18
"	414/2	0	8	43
"	414/1	0	11	59
"	417	0	3	13
"	415	0	11	108
"	416	0	13	115
"	426	0	11	23
"	Road V. P. S. N. 426 & 455	0	1	81
"	455	0	12	41
"	452	0	13	14
"	451	0	11	100
"	453	0	11	106
Sarasavani	625/1	0	0	112
"	626	0	2	16
"	627	0	2	108
"	628	0	17	43
"	629/1	0	3	104
"	629/2	0	4	27
"	636	0	17	43
"	637	0	8	43
"	638	0	7	71
"	639	0	8	92
"	640	0	8	98
"	641	0	14	95
"	642	0	0	23
"	743	0	8	12
"	744	0	8	43
"	745	0	7	70
"	746	0	2	100
"	747	0	3	74
"	748	0	6	93
"	749	0	8	46
"	750	0	2	8
"	751	0	3	10
"	754	0	18	66
"	769	0	16	102
"	756	0	10	88
"	758	0	3	112
"	760	0	4	90
"	759	0	8	103
"	763	0	9	78
"	764	0	9	62
"	770/1	0	1	107
"	805	0	1	107
"	806	0	10	27
"	807	0	10	3
"	808	0	9	78
"	809	0	9	78
"	823	0	0	55
"	865	0	7	73
"	813	0	9	22
"	822	0	15	74
"	864	0	17	4
"	878	0	21	103
"	879	0	14	55
"	859	0	0	80
"	880	0	9	4

Village	Survey No.	Acre	Guntha	Sq. Yds.
Sarasavani	881	0	14	2
"	882	0	15	59
"	883	0	18	8
"	Panchayat Road between			
"	883 & 925	0	1	3
"	925	0	8	20
"	926	0	4	44
"	922	0	11	77
"	921	0	13	105
"	917	0	1	119
"	918/1	0	13	76
"	Panchayat Road.	0	3	80
"	984	0	19	7
"	985	0	7	110
"	Panchayat Road between			
"	985 & 1256	0	1	35
"	1256	0	5	17
"	1254	0	10	81
"	1252	0	8	66
"	1253/1	0	1	119
"	1253/2	0	7	81
"	1246	0	7	47
"	1238	0	12	41
"	1245	0	7	63
"	1244	0	0	53
"	1241	0	0	117
"	1240	0	19	90
"	Panchayat Road between			
"	1240 & 1212	0	1	35
"	1212	0	21	120
"	1208/2	0	9	15
"	1208/1	0	7	71
"	1204	0	15	5
"	1203	0	11	109
"	1202	0	1	107
"	1198	0	17	97
"	1196	0	9	111
"	1195	0	0	53
"	Panchayat Road.	0	15	83
"	1341	0	0	96
"	Panchayat Road between			
"	1341 & 1353	0	0	40
"	1353	0	6	36
"	1354/3	0	6	52
"	1354/1	0	0	77
"	1355	0	5	95
"	1356	0	6	83
"	1359	0	6	36
"	1360	0	17	80
"	1361	0	1	70
"	1362	0	10	30
"	919	0	0	78
"	1213	0	0	21
"	1232/2	0	2	97
"	1255	0	13	53
Gorad	527	0	5	41
"	526	0	11	38
"	525	0	16	86
"	523	0	17	53
"	522	0	2	47
"	516	0	20	67
"	517	0	12	112
"	519	0	10	12
"	520/2	0	2	42
"	Panchayat Road between			
"	520/2 & 449	0	2	67
"	449	0	10	34

Village	Survey No.	Acre	Guntha	Sq. Yds.
Goriad	448 . . .	0	25	47
33	434 . . .	0	12	52
33	435 . . .	0	8	35
33	429/1 . . .	0	5	79
33	430/1 . . .	0	9	31
33	432 . . .	0	8	27
33	Panchayat Road between 432 & 21/2 . . .	0	5	95
33	21/2 . . .	0	16	40
33	21/3 . . .	0	15	52
33	20 . . .	0	13	6
33	28/1 . . .	0	1	39
33	29 . . .	0	9	101
33	30 . . .	0	12	26
33	31 . . .	0	10	81
33	32 . . .	0	7	110
33	Panchayat Road between 32 & 77/1 . . .	0	1	3
33	77/1 . . .	0	3	99
33	77/2 . . .	0	6	21
33	78 . . .	0	2	75
33	75/7A . . .	0	22	100
33	75/8 . . .	0	1	12
33	75/1 . . .	0	7	20
33	75 . . .	0	10	34
33	Panchayat Road between 75 & 173 . . .	0	2	67
33	173 . . .	0	5	95
33	174/2 . . .	0	11	2
33	147/1 . . .	0	0	80
33	175 . . .	0	7	70
33	172 . . .	0	1	39
33	171 . . .	0	5	17
33	180/2 . . .	0	7	58
33	180/1 . . .	0	2	17
33	180/3 . . .	0	0	28
33	181 . . .	0	14	7
33	182 . . .	0	0	55
Medind	Panchayat Road . . .	0	2	7
33	Panchayat Road . . .	0	2	30
33	352 . . .	0	0	78
33	354 . . .	0	5	25
33	355 . . .	0	10	89
33	356 . . .	0	5	87
33	357 . . .	0	16	122
33	358 . . .	0	0	78
33	380 . . .	0	14	56
33	381 . . .	0	4	84
33	382 Paiki . . .	0	9	23
33	382 Paiki . . .	0	10	120
33	383/1 . . .	0	2	43
33	384/1 . . .	0	0	117
33	387/2 . . .	0	2	2
33	387/1 . . .	0	4	28
33	384/2 . . .	0	4	106
33	385 . . .	0	0	21
33	386 . . .	0	4	110
Korhavada River	. . .	0	8	90
33	18 . . .	0	3	46
33	14 . . .	0	12	104
33	15 . . .	0	10	77
33	16 . . .	0	17	35
33	11 . . .	0	11	20
33	24 . . .	0	8	3
33	26 . . .	0	2	94
33	27 . . .	0	17	63

Village	Survey No.	Acre	Guntha	Sq. Yds.
Kothavada River	28/1 . . .	0	8	82
"	28/2 . . .	0	8	4
"	28/3 . . .	0	12	2
"	35 . . .	0	26	77
"	190/1 . . .	0	15	52
"	72/1 . . .	0	9	23
"	72/2 . . .	0	16	117
"	73 . . .	0	13	60
"	74/2A . . .	0	4	86
"	74/2B . . .	0	14	15
"	190 . . .	0	11	69
"	190/3 . . .	0	3	19
"	190/4 . . .	0	14	78
"	113/1 . . .	0	19	104
"	113/2 . . .	0	19	58
"	118 . . .	0	22	6
"	120/1 . . .	0	22	37
"	121 . . .	0	22	68
Husepur	34 . . .	0	1	15
"	33/3 . . .	0	21	103
"	33/2 . . .	0	15	40
"	32 . . .	0	23	40
"	74 . . .	0	17	74
"	75 . . .	0	3	39
"	73 . . .	0	9	12
"	78 . . .	0	17	35
"	Panchayat Road between 78 & 144 . . .	0	2	30
"	144 . . .	0	3	28
"	143 . . .	0	10	34
"	142 . . .	0	14	33
"	141 . . .	0	15	83
"	140/2 . . .	0	7	56
"	136 . . .	0	1	55
"	137 . . .	0	13	42
"	134 . . .	0	2	114
"	5 . . .	0	5	17
"	210 . . .	0	19	78
"	209/2 . . .	0	6	75
"	213 . . .	0	6	75
"	214 . . .	0	9	117
"	Panchayat Road between 214 & 513 . . .	0	1	3
"	513 . . .	0	3	41
"	512 . . .	0	19	34
"	510 . . .	0	24	98
Amda	Panchayat Road . . .	0	1	35
"	" . . .	0	2	7
"	116 . . .	0	5	17
"	118 . . .	0	12	72
"	117 . . .	0	6	37
"	Kotar between 117 & 86 . . .	0	10	34
"	86 . . .	0	0	106
"	87/1 . . .	0	23	84
"	109/1 . . .	0	9	62
"	108 . . .	0	3	49
"	107 . . .	0	5	17
"	104 . . .	0	9	109
"	103 . . .	0	9	39
"	102 . . .	0	9	39
"	101 . . .	0	9	15
"	100 . . .	0	9	70
"	99 . . .	0	1	10
"	99 . . .	0		92

Village	Survey No.	Acre	Guntha	Sq. Yds.
Amda	1301/20 . . .	0	11	18
"	1301/19 . . .	0	2	16
"	172 . . .	0	9	0
"	Panchayat Road . . .	0	2	30

[No. 31(38)/63-ONG.]

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2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, objection to the laying of the pipeline under the land to the Competent authority at Elampco 4th Floor Sayajiganj Opp. College Lokmanya Tilak Road, Baroda in the office of the Gujarat Pipeline Project, Oil and Natural Gas Commission. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State Gujarat	District Baroda	Taluka Karajan			
Village	Survey No.	Acre	Guntha	Sq. Yds.	
Manpur . . . . .	Panchayat Road on boundary of Khandha	0	2	30	
"	180	0	14	72	
"	179	0	26	10	
"	Panchayat Road between 179 & III	0	2	30	
"	III	1	1	25	
"	III2	0	20	30	
"	III3	0	23	79	
"	127	0	10	112	
"	126	0	26	58	
"	130/1	0	25	102	
"	131	0	20	26	
"	132	0	16	75	
"	133	0	1	42	
"	Panchayat Road between 132 & 26	0	1	35	
"	26	0	10	3	
"	25	0	9	78	
"	Panchayat Road between 25 & 24	0	4	60	
"	24	0	21	49	
"	19/1A	0	11	92	
"	19/1B	0	11	69	
"	Panchayat Road between 19/1 & 17	0	0	109	
"	17	0	25	39	
"	18	0	3	88	
"	9	0	7	96	
"	6	0	25	8	

[No. 31(38)/63-ONG.]

**S.O. 220.**—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from the Ankleshwar oil field in Gujarat State to Baroda in Gujarat State, pipelines should be laid by the Oil and Natural Gas Commission and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed thereto;

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## SCHEDULE

State Gujarat	District Baroda	Taluka Baroda			
Village	Survey No.	Acre	Guntha	Sq. Yds.	
Sevasi	Panchayat Road between Simada of Sevasi & Gotri.	0	3	81	
"	103	0	1	93	
"	104	0	13	45	
"	105	0	10	35	
"	106/2	0	8	20	
"	99	0	6	52	
"	97	0	13	60	
"	96	0	13	60	
"	95	0	0	80	
"	107	0	0	80	
"	115	0	22	0	
"	116	0	1	46	
"	Panchayat Road between S. No. 115 & 131	0	1	3	
"	131	0	8	59	
"	130	0	31	83	
"	152/2	0	6	52	
"	152/1	0	12	104	
"	150/1	0	23	21	
"	Panchayat Road between S. No. 150/1 & 175	0	1	0	
"	175	0	17	27	
"	Panchayat Road between 175 & 333	0	4	14	
"	333	0	5	73	
"	332	0	16	55	
"	331	0	5	17	
"	Panchayat Road between 331 & 340	0	2	60	
"	339	0	0	28	
"	340	0	15	52	
"	341	0	17	43	
"	326	0	6	52	
"	327	0	0	14	
"	342	0	0	100	
"	325	0	14	48	
"	324	0	9	78	
"	Panchayat Road between S. No. 324 & 441	0	4	60	
"	440	0	0	36	
"	441	0	15	13	

Village	Survey No.	Acre	Guntha	Sq. Yds.
Sevasi	442	0	9	39
"	443	0	1	34
"	444	0	16	32
"	459	0	18	62
"	458/1	0	0	100
"	457	0	11	92
"	456	0	11	22
"	463	0	4	95
"	464	0	17	43
"	465	0	0	28
"	Panchayat Road between S. No. 464 & 469	0	1	112
"	469	0	15	13
"	470	0	15	52
"	482	0	14	118
"	146	0	0	28
"	334	0	1	103
"	338	0	0	28
Sarniala	450	0	10	30
"	451	0	14	86
"	643	1	14	6
"	638	0	12	48
"	639	0	11	36
"	Panchayat Road between S. No. 657	0	0	100
"	657	0	8	59
"	656	0	7	120
"	660	0	23	74
"	655	0	0	23
"	661	0	17	90
"	Panchayat Road	0	1	12
"	666	0	15	105
"	665	0	10	103
"	664	0	17	103
"	Panchayat Road	0	0	107
Gokalpura	71	0	12	111
"	70	0	16	54
"	Panchayat Road	0	0	93
"	77	0	15	7
"	78	0	3	109
Gotri	59	0	23	95
"	Panchayat Road between S. No. 59 & 62/1	0	3	16
"	62/1	0	2	2
"	64	0	13	31
"	67	0	12	26
"	68	0	11	22
"	72	0	19	65
"	73	0	0	35
"	Panchayat Road Between S. No. 73 & 80	0	1	4
"	80	0	10	35
"	Panchayat Road between S. No. 80 & 81	0	2	67
"	81	0	0	50
"	90	0	20	38
"	91	0	10	65
"	88	0	2	52
"	99	0	12	41
"	100	0	23	79
"	101	0	0	100
"	Panchayat Road between S. No. 101 and 184	0	1	112
"	184	0	12	41
"	Panchayat Road between 184 and 149	0	0	78
"	149	0	11	92

Village	Survey No.	Acre	Guntha	Sq. Yds.
Gotri	150 .	0	12	104
"	155 .	0	1	112
"	154 .	0	14	37
"	157 .	0	5	17
"	158 .	0	11	38
"	132 .	0	10	35
"	Panchayat Road between S. No. 132 and 260	0	1	112
"	260 .	0	5	84
"	261 .	0	1	74
"	273 .	0	0	58
"	272 .	0	16	55
"	267 .	0	35	107
"	268 .	0	6	20
"	284 .	0	7	24
"	283 .	0	15	52
"	Panchayat Road between S. No. 283 and 393	0	0	116
"	393 .	0	15	52
"	392 .	0	14	37
"	991 .	0	0	58
"	Panchayat Road Simada	0	0	58
Bajuwa	Panchayat Road on the Simada of Undera	0	0	78
"	269 .	0	5	0
"	268 .	0	24	28
"	Panchayat Road between S. No. 268 and 260	0	2	67
"	260 .	0	16	89
"	259 .	0	1	92
"	258 .	0	1	75
"	261 .	0	3	64
"	Panchayat Road between S. No. 261 and 239	0	2	92
"	239 .	0	19	65
"	256 .	0	11	91
"	240 .	0	16	55
"	Panchayat Road between S. No. 240 and 233	0	0	117
"	233 .	0	19	65
"	231 .	0	17	43
"	230 .	0	8	27
Ankodia	Panchayat Road on the Simada of Gotri	0	0	58
"	611 .	0	10	14
"	612/1+2	0	1	57
"	Panchayat Road between S. No. 612 and 607	0	5	17
"	607/1+2 .	0	0	97
"	606 .	0	5	73
"	604 .	0	13	45
"	603 .	0	16	55
"	Panchayat Road between S. No. 603 and 556	0	3	26
"	556 .	0	34	78
"	557 .	0	23	2
"	558 .	0	3	104
"	559 .	0	12	41
"	Panchayat Road on the Simada of Gorva	0	0	58
Undera	Panchayat Road on the Simada of Bajuwa	0	0	78
"	71 .	0	2	78
"	70 .	0	0	28



Village	Survey No.	Acre	Guntha	Sq. Yds.
Undera— <i>contd.</i>	58	0	2	69
"	59	0	1	3
"	60	0	1	65
"	61	0	2	7
"	62	0	2	7
"	63	0	1	65
"	64	0	1	3
"	65	0	1	65
"	66	0	2	69
"	67	0	2	108
"	68	0	6	21
"	Panchayat Road between S. No. 68 and 85	0	1	3
"	85	0	14	48
"	Panchayat Road between 85 and Railway	0	0	62
"	Railway	0	7	71
"	Panchayat Road between Railway and 88/1	0	1	50
"	88/1	0	0	80
"	87	0	20	69
"	96	0	3	63
"	97	0	0	35
"	100	0	15	52
"	101	0	13	34
"	156	0	0	100
"	99	0	0	80
"	Panchayat Road on the simada of Karodia	0	1	15
"	171	0	11	30
"	170	0	10	35
"	176	0	2	52
"	168	0	10	30
"	178	0	10	30
"	177	0	10	30
"	183	0	14	48
"	185	0	10	30
"	184/1	0	22	60
"	Panchayat Road between S. No. 184/1 and 294	0	0	77
"	293	0	0	80
"	294	0	29	99
"	299	0	14	48
"	300	0	8	27
"	298	0	0	43
"	Panchayat Road between S. No. 298 and 319	0	8	68
"	319	0	25	84
"	320/1	0	8	84
"	327	0	6	90
"	326	0	27	46
"	328/2	0	9	54
"	339	0	16	71
"	340/B	0	0	100
"	Panchayat Road on the simada of Gorva	0	0	82
Gorva	Panchayat Road on the simada of Ankodia	0	0	58
"	467	0	12	104
"	468	0	10	112
"	467	0	12	104
"	466/2	0	3	98
"	465	0	9	39
"	465	0	1	73
"	Panchayat Road between S.No. 465 & 492	0	2	7
"	492	0	25	86

Village	Survey No.	Acre	Guntha	Sq. Yds.
Gorva—contd.	491 . . . . .	0	22	99
"	490 . . . . .	0	12	204
"	501 . . . . .	0	10	97
"	Panchayat Road on the simada of Undera . . . . .	0	0	82
Karodia . . . . .	77 . . . . .	0	12	41
"	74 . . . . .	0	2	0
"	61 . . . . .	0	14	48
"	Panchayat Road between S.N. 61 & 58	0	5	17
"	58 . . . . .	0	20	69
"	56 . . . . .	0	16	54
"	49 . . . . .	0	6	21
"	54 . . . . .	0	0	111
"	50 . . . . .	0	14	25
"	43 . . . . .	0	13	45
"	41 . . . . .	0	25	84
"	38/2 . . . . .	0	13	21
"	38/1 . . . . .	0	1	62
"	34 . . . . .	0	1	57
"	36 . . . . .	0	0	64
"	37 . . . . .	0	19	65
"	Panchyat Road on the simada of Undera . . . . .	0	1	45
Bhaili . . . . .	1890 . . . . .	0	11	9
"	Panchayat Road between S.N. 1890 & 937 . . . . .	0	25	0
"	937 . . . . .	0	16	7
"	936 . . . . .	0	2	28
"	938 . . . . .	0	21	66
"	941 . . . . .	0	12	115
"	942 . . . . .	0	11	2
"	944 . . . . .	0	13	94
"	948 . . . . .	0	22	71
"	Panchyat Road between S.N. 948 & 981 . . . . .	0	1	29
"	951 . . . . .	0	1	92
"	981 . . . . .	0	2	36
"	978 . . . . .	0	3	87
"	979 . . . . .	0	12	101
"	Panchayat Road between 979 & 1001 . . . . .	0	5	62
"	10 . . . . .	0	19	68
"	107 . . . . .	0	0	40
"	99 . . . . .	0	17	3
"	1006 . . . . .	0	24	42
"	1011 . . . . .	0	7	72
"	V.P. Road between 1009 & 1011	0	4	23
"	Panchayat Road between 1010 & 1119 S.N. . . . .	0	3	37
"	1119 . . . . .	0	22	18
"	1118 . . . . .	0	12	88
"	2432 . . . . .	0	12	68
"	2431 . . . . .	0	9	18
"	2490 . . . . .	0	23	44
"	2446 . . . . .	0	1	29
"	2447 . . . . .	0	3	10
"	2448 . . . . .	0	15	32
"	2449 . . . . .	0	5	108
"	2450 . . . . .	0	2	78
"	2451 . . . . .	0	1	54
"	2441 . . . . .	0	2	58
"	2425 . . . . .	0	0	115
"	2440 . . . . .	0	20	95
"	1010 . . . . .	0	8	52

Village	Survey No.	Acre	Guntha	Sq. ds.
Bhaili— <i>contd.</i>	2438 . . .	0	14	86
"	2437 . . .	0	16	57
"	2426 . . .	0	2	78
"	2427 . . .	0	19	54
"	1113 . . .	0	4	109
"	1114 . . .	0	6	35
"	1115 . . .	0	21	66
"	Panchayat Road between S.No. 1115 & 1137 . . .	0	1	92
"	1137 . . .	0	4	109
"	1138 . . .	0	9	58
"	1139 . . .	0	12	84
"	1140 . . .	0	3	90
"	Panchayat Road between S.No. 1140, 1094, 1710 and 1711 . . .	0	0	117
"	1094 . . .	0	8	17
"	Panchayat Road . . .	0	3	104
"	1710 . . .	0	8	41
"	Panchayat Road . . .	0	1	12
"	1711 . . .	0	9	105
"	1706 . . .	0	13	120
"	1703 . . .	0	1	66
"	1705 . . .	0	20	53
"	1704 . . .	0	7	84
"	1714 . . .	0	5	35
"	1765 . . .	0	8	7
"	1769 . . .	0	16	104
"	1770 . . .	0	14	63
"	1767 . . .	0	8	99
"	Panchayat Road . . .	0	4	16

[No. 31(38)/63-ONG.]

**S.O. 221.**—Whereas it appears to the Central Government that it is necessary in the public interest for the transport of petroleum between Barauni Refinery in Bihar State to the Haldia Port in Calcutta in West Bengal State, a pipeline should be laid by the Indian Refineries Limited and that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto;

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intension to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the Competent Authority Special Land Acquisition Officer, C/o Indian Refineries Ltd., P.O. Hathidah, District Patna. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

## SCHEDULE

State-Bihar	District-Monghyr	Thana-Teghra
Village with thana No.	Survey No. (Plot No.)	Extent in acre
Malhipur No. 503 .	494	0.06
	493	0.07
	489	0.20
	488	0.01
	480	0.02
	487	0.06
	358	0.05
	891	2.80
	890	2.22

[No. 31/47/63-ONG.]

**S.O. 222.**—Whereas by a notification of the Government of India in the Ministry of Mines and Fuel S.O. No. 2113 dated 20th July, 1963 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to that notification for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

#### SCHEDULE

STATE—WEST BENGAL Distt.—Berdwan			Tehsil/Thana KANKSA		
Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Kanksa, J.L. 86	373	·04	Kanksa, J.L. 86— <i>contd.</i>	944	·06
	374	·01		951	·02
	375	·18		952	·07
	376	·005		953	·14
	377	·20		954	·06
	379	·02		955	·005
	380	·02		956	·12
	381	·10		957	·15
	382	·06		958	·005
	383	·07		1088	·32
	385	·06		1091	·06
	386	·07		1222	·19
	389	·04		1223	·05
	393	·03		1224	·04
	394	·03		1225	·05
	395	·06		1226	·04
	396	·005		1229	·04
	407	·04		1230	·05
	539	·005		1231	·05
	545	·08		1232	·09
	547	·10		1455	·16
	548	·12		1456	·07
	549	·14		1457	·02
	550	·10		1459	·12
	551	·14		1460	·01
	552	·41		1491	·005
	554	·15		1492	·005
	557	·17		1496	·10
	558	·04		1497	·10
	559	·10		1498	·06
	561	·01		1500	·005
	562	·04		1504	·22
	564	·14		1507	·10
	566	·03		1508	·01
	567	·94		1517	·04
	568	·12		1518	·09
	941	·18		1519	·005
	943	·10		1520	·01

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Kanksa, J.L. 86— <i>contd.</i>	1521	·02	Pannagarh, J.L. 85— <i>contd.</i>	2922	·005
	1532	·01		80	·04
	1533	·02		81	·07
	1558	·19		133	·33
	1567	·54		134	·005
	1568	·29		135	·02
	1569	·13	Birudiha, J.L. 76	2	·005
	1570	·06		19	·26
Pannagarh, J.L. 85	4	·32		21	·13
	6	·22		27	·23
	27	·07		29	·11
	58	·04		30	·21
	59	·02		31	·14
	61	·07		50	·30
	62	·005		51	·005
	63	·41		57	·11
	67	·39		58	·30
	84	·07		59	·05
	85	·02		60	·02
	86	·08		61	·07
	90	·11		143	·09
	91	·19		196	·08
	92	·03		197	·15
	93	·005		198	·005
	94	·08		200	·06
	95	·10		201	·17
	150	·04		202	·005
	151	·02		203	·21
	153	·03		204	·06
	154 <sup>F</sup>	·04		205	·01
	155	·005		209	·02
	157 <sup>F</sup>	·05		211	·05
	158 <sup>F</sup>	·05		212	·15
	159	·08		213	·29
	160	·09		216	·04
	161	·12		470	·23
	162	·01		471	·25
	163	·005		478	·11
	165	·15		480	·14
	167	·05		485	·07
	170	·05		486	·18
	171	·04		490	·01
	172	·08		491	·04
	176	·02		493	·10
	178	·10		497	·18
	179	·02		500	·13
	180	·15		503	·08
	191	·12		505	·11
	192	·16		3038	·08
	193	·06	Manikara, J.L. 77	145	·14
	197	·005		146	·005
	198	·07		147	·04
	199	·06		149	·01
	202	·07		150	·36
	203	·14		156	·28
	204	·11		160	·52
	205	·01		178	·005
	213	·13		179	·20
	214	·05		180	·02
	229	·005		183	·11
	247	·03		413	·005
	251	·02		414	·09
	253	·01		415	·11
	255	·05			
	256	·11			

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Manikara, J.L. 77— <i>contd.</i>	416	·005	Amlajora, J.L. 64— <i>contd.</i>	168	·17
	417	·48		170	·01
	424	·21		171	·05
	426	·16		177	·10
	559	·02		178	·01
	560	·33		179	·01
	561	·01		180	·39
	562	·03		182	·32
	563	·04		228	·09
	564	·04		229	·26
	573	·17		232	·24
	574	·23		233	·15
	575	·05			
	576	·005	Gopalpur, J.L. 65	3080	·41
	585	·11		3085	·23
	586	·10		3089	·32
	587	·08		3091	·54
	591	·04		3095	·57
	592	·12		3098	·73
	593	·10		3206	·11
	612	·01		3207	·21
	613	·06		3208	·005
	614	·08		3211	·04
	615	·15		3213	·53
	616	·10		3240	·21
	617	·10		3241	·23
	623	·10		3245	·02
	627	·29		3246	·23
	628	·08		3248	·13
	629	·11		3249	·01
	633	·12		3444	·06
	634	·06		3445	·10
	638	·01		3446	·12
	639	·11		3458	·11
	640	·06		3459	·02
				3460	·04
Amlajora, J.L. 64	2	·10		3461	·11
	5	·07		3470	·005
	6	·11		3472	·09
	7	·03		3483	·01
	8	·005		3484	·16
	9	·09		3485	·22
	10	·25		3486	·01
	11	·02		3490	·17
	12	·17		3491	·05
	13	·04		3494	·26
	39	·20		3687	·01
	40	·18			
	45	·10	Bamunara, J.L. 58	2551	·005
	49	·13		2555	·02
	50	·15		2556	·005
	51	·11		2579	·13
	55	·08		2580	·005
	61	·09		2581	·06
	64	·23		2582	·19
	71	·10		2587	·02
	72	·28		2588	·13
	150	·01		2594	·08
	151	·23		2596	·13
	154	·19		2615	·09
	155	·13		2616	·17
	157	·07		2617	·03
	158	·35		2618	·005
	163	·005		2621	·01
	167	·15		2622	·01

Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Banunara, J.L. 58— <i>contd.</i>	2624	·06	Banunara, J.L. 58— <i>contd.</i>	4845	·13
	2625	·11		4850	·005
	2626	·09		4851	·01
	2638	·04		4855	·03
	2639	·005		4856	·18
	2640	·15		4857	·04
	2641	·06		4880	·09
	2649	·03		4881	·03
	2651	·19		4882	·05
	2652	·09		4883	·06
	2653	·02		4884	·05
	2682	·01		4888	·12
	2683	·15			
	2684	·10	Khatpukur, J.L. 59	1	·97
	2685	·05		132	·07
	2686	·01		133	·05
	2692	·11		134	·10
	2693	·14		135	·06
	2733	·20		137	·07
	2734	·14		138	·02
	2745	·08		139	·03
	2746	·01		140	·04
	2747	·09		141	·005
	2748	·02		144	·06
	2753	·15		145	·13
	2760	·08		146	·05
	2761	·14		171	·09
	2762	·005		172	·10
	2765	·06		174	·005
	2806	·06		186	·03
	2807	·02		187	·17
	2813	·01		188	·28
	2814	·10		247	·13
	2815	·11		248	·09
	2816	·09		249	·10
	2817	·13		253	·12
	2818	·09		254	·17
	2820	·13		261	·005
	3387	·13		263	·06
	3388	·005		265	·02
	3389	·06		277	·005
	3390	·04		278	·06
	3397	·17		283	·01
	3398	·005		284	·05
	3399	·19		285	·08
	3427	·05		286	·02
	3428	·06		291	·01
	3429	·08		293	·04
	3430	·09		294	·07
	3431	·15		386	·01
	3432	·005		388	·04
	3433	·05		390	·01
	3434	·21		391	·07
	3484	·01		392	·01
	3561	·04		393	·02
	3562	·07		394F	·06
	3568	·23		395	·02
	3569	·15		425	·02
	3570	·05		426F	·04
	4840	·01		427	·06
	4841	·10		429	·11
	4842	·03		430	·07
	4843	·12		440	·05
	4844	·005		441F	·01
				442	·01

Village	Survey No. (Plot No.)	Extent (Arca)	Village	Survey No. (Plot No.)	Extent (Arca)
Khatpukar, J.L. 59— <i>contd.</i>	446	·02	Khatpukar, J.L. 59— <i>Concl'd.</i>	504	·04
	447	·01		505	·05
	448F	·05		510	·01
	449F	·04		511	·02
	450	·005		512	·04
	452	·02		515	·05
	453	·08		516	·03
	454	·03		517	·05
	455	·07		518	·09
	459	·005		520	·05
	496	·04		523	·03
	499	·02		524	·01
	500	·05		556	·16
	501F	·05		557	·13
	502	·005		562	·03
	503	·06			

[No. 31/33/63-ONG.]

**S.O. 223.**—Whereas by notifications of the Government of India in the Ministry of Mines and Fuel S.O. No. 2491 dated 19th August 1963 and S.O. No. 2929 dated 3rd October 1963 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in the lands specified in the Schedule appended to those notifications for the purpose of laying pipelines;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And, whereas, the Central Government has, after considering the said report, decided to acquire the right of user in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipelines and in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands, shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration in the Indian Refineries Limited free from all encumbrances.

Village	Survey No. (Plot No.)	Extent (Arca)	Village	Survey No. (Plot No.)	Extent (Arca)
Rahimpur, J.L. 23	139	·01	Rahimpur, J.L. 23— <i>Contd.</i>	296	·10
	140	·18		314	·15
	141	·29		316	·09
	142	·14		317	·16
	152	·02		318	·03
	153	·06		328	·03
	154	·18		329	·03
	155	·13		337	·14
	167	·01		339	·005
	292	·02		340	·02
	293	·05		341	·07
	294	·15		342	·02
	295	·01		344	·16



Village	Survey No. (Plot No.)	Extent (Area)	Village	P
Rahimpur, J. L. 23— <i>contd.</i>	345	·03	Dakshingultia, J. L. 19— <i>Contd.</i>	203
	346	·06		270
	347	·03		271
	348	·05		274
	352	·01		276
	883	·08		
	929	·02	Lohagachhi, J. L. 2	20
	930	·05		22
	931	·08		23
	932	·13		24
	933	·10		25
	934	·10		44
	936	·03		45
	937	·18		46
	938	·04		47
	939	·03		48
	942	·01		49
	946	·02		75
	947	·05		76
	948	·03		80
	949	·12		83
	950	·02		84
	952	·06		85
	955	·02		86
	956	·08		88
	958	·12		89
	959	·07		115
	960	·01		116
	962	·05		117
	964	·01		118
				123
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				133
				134
				496
Nabagram, J. L. 21	2	·30	Gopalpur, J. L. 8	539
	9	·18		541
	12	·005		649
	13	·13		653
	14	·05		661
	15	·09		662
	16	·03		663
	17	·05		664
	18	·20		665
	19	·22		667
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				681
				686
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Dakshingultia, J. L. 19	42	·07		
	44	·01		
	45	·10		
	46	·06		
	47	·45		
	48	·05		
	49	·02		
	50	·08		
	51	·05		
	54	·22		
	55	·33		
	57	·14		
	179	·05		
	180	·10		
	181	·15		
	182	·05		
	193	·40		
	194	·05		
	195	·02		
	196	·005		
	200	·22		
	202	·12		
			Rajbalhat, J. L. 6	5175
				5176
				5177
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Village	Survey No. (Plot No.)	Extent (Area)	Village	Survey No. (Plot No.)	Extent (Area)
Rajbalhat, J.L. 6— <i>contd.</i>	5179	·01	Tripan, J. L. 20— <i>contd.</i>	58	·04
	5196	·06		403	·38
	5197	·06		404	·10
	5198	·02		405	·16
	5199	·01			
	5246	·11	Bilara, J. L. 11	576	·05
	5249	·10		578	·32
	5250	·01		579	·18
	5251	·01		580	·03
	5259	·05		584	·08
	5260	·10		586	·23
	5265	·04		587	·14
	5267	·10		588	·01
	5268	·08		593	·03
	5297	·16		594	·005
	5308	·03		637	·02
	5321	·02		638	·16
	5323	·02		639	·17
	5331	·12		643	·03
	5332	·005		644	·15
	5333	·13		645	·20
	5334	·03		646	·03
	5335	·08		647	·26
	5336	·03		648	·08
	5361	·05		650	·13
	5370	·01		651	·20
	5371	·11		652	·07
	5373	·02		656	·04
	5374	·08		663	·08
	5386	·38			
	5387	·16	Gultia, J. L. 7	72	·02
	5388	·08		271	·12
Tripan, J. L. 20	21	·09		272	·20
	22	·05		273	·05
	34	·02		275	·56
	35	·18		278	·10
	39	·03		279	·35
	49	·07		280	·30
	50	·10		284	·25
	51	·02		289	·25
	52	·10		290	·25
	53	·35		293	·01
				320	·55

[No. 31/33/63-ONG ]

B. SUBBA RAO, Under Secy.

## MINISTRY OF IRRIGATION &amp; POWER

## ORDER

New Delhi, the 13th January 1964

S.O. 224.—In exercise of the powers conferred by sub-rule (2) of Rule 133 of the Indian Electricity Rules, 1956, the Central Government hereby directs that the provisions of—

- (i) Rule 118(a),
- (ii) Rule 119(1)(a),
- (iii) Rule 50(1)(d),
- (iv) Rule 118(c), and
- (v) Rule 123(7)

of the said Rules shall be relaxed in respect of the use of the following apparatus in conjunction with Model 110-B, Bucyrus ERIE, 3.3 KV Shovel, Serial No. 123140:

- One 400 Amps 3.3 KV General Electric Oil Circuit breaker, Catalogue No. 2883228-G2R.W.S.
- One 200 H.P. 3/3.3 KV General Electric Induction Motor Serial No. XV 832364.
- One 10KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, SERIAL No. 1-V 733112.
- One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, SERIAL No. 2-V 73110.
- One 10 KVA 3600/240/380/480 Volts Single Phase General Electric Transformer, SERIAL No. 3-V 73128.
- One 10 KVA 3600/240/120 Volts General Electric Lighting Transformer Model No. 9024Y522, Serial No. XV.
- One length of 305 metres 3300 Volts grade four core Neoprene Jacketed Galvanized Steel Armoured and Neoprene Jacketed flexible trailing cable, conductor of .0225 sq. inch minimum cross-section.

at Kiriburu Project of M/s. National Mineral Development Corporation Ltd. to the extent that (1) in relaxation of Rule 118(a), the portable Motor of the Shovel may be used at 3.3KV, (2) in relaxation of Rule 119 (1) (a), the bank of three single phase 10KVA 3600/240/380/480 Volts Transformers connected in Delta/Delta and single phase 10 KVA 3600/120/240 Volts with their associated equipment using energy at high voltage may not be fixed apparatus as being installed on the portable shovel moving from place to place, the same having a portable sense, (3) in relaxation of rule 50 (1) (d), there being no linked switch for control of 3.3 KV supply to the transformers installed on the Shovel, the 3.3 KV supply to the same may be controlled by the individually operated link fuses as provided by the manufacturers, (4) in relaxation of Rule 118 (c), the 120 Volts system of supply intended for use of lighting purposes within the shovel from the single phase 10 KVA 3600/120/240 Volts lighting transformer having no mid voltage point for earthing and as such the voltage of the system being obtained between a phase and earth and not between phase as contemplated in Rule 118 (c), the 120 Volts system of supply is specially considered and may be used, and (5) in relaxation of Rule 123(7), the flexible cable not exceeding 305 metres in length may be used with the portable machine and that the relaxation shall be subject to the following conditions:

- (1) The 3.3 KV supply to the flexible cable should be provided with earth leakage protection.
- (2) The installation and wirings inside the shovel shall comply with the relevant provisions of the Indian Electricity Rules, 1956, in particular, Rules 115-117, 121, 124 and 125.
- (3) The flexible trailing cable should be connected to the electric supply system and the machine by properly constructed connector boxes or totally enclosed safe attachments.
- (4) The Excavating Machine along with the flexible trailing cable shall be worked and handled with due care so as to avoid danger arising out of any electrical defect or in the use. The insulation resistance of the high voltage circuit including the driving motor, shall at no time be less than 10 megohms.
- (5) The operators of the Shovel shall be trained and authorised for operating the shovel with competency and due care to avoid danger:

Provided that the aforesaid relaxation shall be valid for such time as the said machine is in use in the mine and due information shall be given to the Central Government through the Electrical Inspector of Mines as soon as the machine is taken out of the mine.

[No. EL.II-5(10)/63-II.]

N. S. VASANT,  
Officer on Special Duty.

**MINISTRY OF WORKS, HOUSING AND REHABILITATION****(Department of Rehabilitation)***New Delhi, the 10th January 1964*

**S.O. 225.**—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee property in the State of Maharashtra for a public purpose, being a purpose connected with the relief and rehabilitation of Displaced Persons, including payment of compensation to such persons;

Now therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires the evacuee properties specified in the Schedule below:—

**SCHEDULE**

S. No.	Particulars of the property	Name of the town/locality in which evacuee property is situated.	Name of the evacuee
1	2	3	4
1.	E.P. House No. 541 and 542 at Azizpura, Bhir.	Azizpura, Bhir.	Shri Hussein S/o Sk. Kadar.

[No. F. 13(6) Comp. &amp; Prop/61.]

**M. J. SRIVASTAVA,**  
Settlement Commissioner & Ex-Officio, Under Secy.

**(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)***New Delhi, the 8th January 1964*

**S.O. 226.**—In exercise of the powers conferred by sub-section (1) of Section 6 of the Administration of Evacuee Property Act, 1950 (Act XXXI of 1950), the Central Government hereby appoints the following Sub-Divisional Officers in the Amravati District of Maharashtra State as Assistant Custodian for the purpose of discharging the duties assigned to the Custodian by or under the said Act with effect from 1st May, 1962, in the areas of their jurisdiction mentioned against each.

	Name of the Officer	Area of Jurisdiction
1.	Sub-Divisional Amravati Officer.	Amravati Tehsil
2.	Sub-Divisional Chandur Officer	Chandur Tehsil
3.	Sub-Divisional Morsi Officer.	Morsi Tehsil
4.	Sub-Divisional Achalpur Officer	Achalpur Tehsil Daryapur Tehsil Melghat Tehsil

[No. 10(38)/ARG/63.]

**KANWAR BAHADUR,**  
Settlement Commissioner(A) and Ex-Officio, Dy. Secy.

**(Department of Rehabilitation)****(Office of the Chief Settlement Commissioner)****ORDER***New Delhi, the 7th January 1964*

**S.O. 227.**—In the order issued in pursuance of Rule 11-D(D)(A) of the Evacuee Interest (Separation) Rules, 1951, *vide* notification No. 5(24)/59-Prop-II Comp., dated the 21st June, 1963, for the words and figures '31st December, 1963' the words and figures '31st January, 1964' may be substituted.

[No. 5(24)/59-Prop-II-Comp.]

N. P. DUBE, Jt. Secy.

**MINISTRY OF LABOUR AND EMPLOYMENT***New Delhi, the 7th January 1964*

**S.O. 228.**—Whereas the Central Government is satisfied that the Indian Institute of Petroleum, New Delhi under the control of the Council of Scientific and Industrial Research, is a training and research institution of non-commercial character and it provides to its employees benefits similar to those provided under the Employees' State Insurance Act, 1948 (34 of 1948);

Now, therefore, in exercise of the powers conferred by section 87 of the Employees' State Insurance Act, 1948 the Central Government hereby exempts the said factory from all the provisions of the said Act upto and inclusive of the 10th June 1964.

[No. F. HI-6(75)/60.]

**S.O. 229.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Bombay, in respect of an application filed by Shri Jamuna Prasad of the Central Bank of India Limited under section 33A of the said Act.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.**

APPLICATION No. CGIT-11 (APPLN) OF 1963

(Arising out of Ref. No. CGIT-42 of 1962)

Jamuna Prasad S/o Ramcharanlal Varma—Applicant.

**Vs.**

The Managing Director, Central Bank of India Ltd., Mahatma Gandhi Road, Fort, Bombay -1—Opposite Party.

**PRESENT:**

Shri Salim M. Merchant, Presiding Officer.

**APPEARANCE:***For the Applicant:*—Shri F. D. Damanla, Advocate, High Court.*For the Opp. Party:*—Shri K. P. Mahale, Law Officer, Central Bank of India Ltd.**INDUSTRY:** Banking.**STATE:** Madhya Pradesh.*Dated the 31st day of December, 1963.***AWARD**

This complaint purports to be under Section 33A of the Industrial Disputes Act, 1947 (Act 14 of 1947) and the applicant claims that he is a workman concerned in the industrial dispute Ref. No. CGIT-42 of 1962, which is pending before this Tribunal. The Complaint is directed against the discharge from service of the applicant by the Bank's Memorandum dated 7th December 1962. The applicant was employed as a Godown Keeper in the Raipur Branch of the Central Bank of India Ltd., and it is admitted that he had been working as a godown keeper for the last 18 years. The applicant was charged with the misconduct of having assaulted Shri Anup Chand, a constituent, of the Bank, on 22nd September 1962 in the Bank premises. A charge sheet was issued to him charging him with the misconduct of disorderly and indecent behaviour in the premises of the Bank, under

Section III Para 521 (4)(c) of the Sastri Award, which has now been incorporated in para 18.20 (4)(c) of the Award of the National Industrial Tribunal presided over by Justice K. T. Desai. An enquiry was held on the charge-sheet and the applicant was found guilty of the misconduct with which he was charged. Against that finding the applicant submitted an appeal dated 19th January 1963 which was dismissed by the Deputy Manager's Order dated 6th February 1963 (see enclosures B & C to complaint). It is against this Order that the present application has been filed, and the grounds urged in its support are firstly that the enquiry did not comply with the rules of natural justice, was partial and one at which the applicant was not given a proper opportunity to defend himself and secondly that the management had not complied with the requirements of Section 33(2) (b) of the Industrial Disputes Act 1947 before discharging the applicant.

2. Opposite Party in its written statement dated 15th October 1963, has raised a preliminary objection against the maintainability of this application. The Bank has contended that this complaint is not maintainable and this Tribunal has no jurisdiction to entertain the same as the applicant was not a workman concerned in the Industrial Dispute Reference No. C.G.I.T. 42 of 1962 which admittedly was pending before this Tribunal on the date the applicant was discharged from the service of the Bank.

3. The preliminary objection goes to the root of the matter and if upheld, the application must fail for want of jurisdiction. It is, therefore, necessary to state the subject matter of the Industrial Dispute Reference No. C.G.I.T. 42 of 1962, which was referred to this Tribunal by the Central Government's Order dated 16th November 1962. Now, the subject matter of the industrial dispute as stated in the Schedule to the said Order is as follows:—

“Whether the Central Bank of India Limited is justified in imposing a condition that only such of its employees will be considered for promotion to the Grade of Officer ‘E’ & ‘F’ as agree to be governed by the Rules of the Bank as applicable to officers in respect of scales of pay and other conditions of service and not by those of the Award relating to the Banking Industry for the time being in force and if not, what relief such persons are entitled?”.

The Bank has contended that as the applicant was a godown keeper and not a clerk, there was no question of his being concerned in this dispute, because the dispute related to the question of promotion of clerks and supervisors employed in the Bank to the officers ‘E’ & ‘F’ Grade. The terms relating to the Banks conditions for promotion to the officers ‘E’ & ‘F’ Grade are stated in the Bank's circular dated 7th October 1955, the material portion of which provides as follows:—

“As and when vacancies occur in the Accounts Department, the same as far as possible be filled up by transferring the permanent godown keepers, who are at least Matriculates and have been found capable and efficient and reliable, the seniormost being given the first chance”.

It is pertinent to note that it is admitted that the applicant is not a Matriculate. It is further admitted that the applicant had never performed clerical duties except when he was appointed to officiate as a clerk in the Accounts Department, according to the Bank for one day and according to the Union for two days. This officiating order was passed on the 25th January 1961 which stated as follows:—

“With reference to his application dated 23rd January 1961, Mr. J. P. Verma is transferred to the Accounts Department as desired by him, with effect from 27 of January 1961”.

The position, therefore, appears to be that under the circular of the Bank dated 7th October 1955, the applicant was not qualified to be appointed as a clerk in the Accounts Department, because he was not a Matriculate. Shri Damania learned advocate for the applicant, however, relies on the Bank's circular dated 15th July 1963 by which the qualification of being a Matriculate appears to have been relaxed and he has cited instances in which, according to him, in this Bank godown keepers were promoted to the post of clerks and other higher posts. The Bank has given the particulars of the qualifications of each case cited by Shri Damania which do not bear out the contention of Shri Damania.

4. It, therefore, appears that the applicant having been a godown keeper for 18 years and having only worked as a clerk in the Accounts Department for 2 days, could hardly have a chance of being appointed as a Junior Officer of the Bank in the officers ‘E’ and ‘F’ grades. Shri Damania has stated that the applicant must be deemed to be a workman concerned however remote his chances of being promoted to the officers grade ‘E’ and ‘F’. It is no doubt true, as held by the Hon'ble

Supreme Court in the case of the New India Motors vs. K. T. Morris (1960 I LLJ p. 551) that the expression "workman concerned in the dispute" should not be given the narrow interpretation to include only the workman directly or actually governed in such dispute but it should be construed to mean and include all workmen on whose behalf the dispute has been raised as well as those who sponsor the dispute and those who would be bound by the award which may be made in such dispute. The applicant has not been able to establish that he was one of those who had sponsored the industrial dispute—Reference No. CGIT-42 of 1962—not has he shown that he is a member of the union that sponsored that dispute. In the facts and circumstances of this case, I cannot accept that the applicant can be said to be concerned in this dispute. It is clear that Shri Jamuna Prasad was not on the date of his discharge qualified to be appointed even as a clerk in the Accounts Department, because he was not a Matriculate and, therefore, not even remotely qualified to be considered for appointment as a junior officer in Grades 'E' & 'F'. Without being a clerk, he could not under the Bank's then existing rules, be considered for appointment to the post of Officer in the 'E' & 'F' grade. The relaxation of the qualification of being a matriculate came into force after the discharge of the applicant from his service and he cannot, therefore, claim protection of the relaxation. Shri Damania has referred to the language of the circular of the Bank dated 7th October 1955, and he has relied on the expression "as far as possible" in that circular and he has urged that expression qualifies the provision of the promotion being at least a matriculate. The expression, "as far as possible", in that circular in my opinion relates to the transferring of permanent godown keepers to the Accounts Department and not to such godown keepers being as far as possible matriculates. In my opinion the condition was that as far as possible vacancies in the Accounts Department should be filled up by transferring permanent godown keepers, but such godown keepers must be matriculates. But even assuming that Shri Damania's interpretation of the circular is correct the applicant cannot succeed as his claims to promotion as officer 'E' & 'F' grade was far too remote to make him a workman concerned.

5. At the hearing, I asked Shri Damania, whether there were any instances of non-matriculate godown keepers having been appointed directly as officers 'E' & 'F' grades without service as a clerk in the Accounts Department, and Shri Damania cited the instance of one Shri Anil Chandra Roy (item No. 2 in his list of 7th November 1963). But the Bank in its reply to this list, has shown that this appointment was made somewhere in 1949 long prior to 7th October 1955, when the Bank by its circular of that date prescribed the qualification of the promotion being at least a matriculate.

6. I am, therefore, satisfied that on the facts and circumstances of the case, the Bank's objection is well founded. It cannot therefore be held that the applicant was a workman concerned in the industrial dispute reference C.G.I.T. No. 42 of 1962, pending before this Tribunal. In the result, the Bank's legal objection is upheld and I hold the application is not maintainable and I have no jurisdiction to entertain the same. I may state that this decision does not decide the complaint on its merits and will not therefore debar the applicant from raising an industrial dispute if he can persuade any union or substantial number of workmen of the Bank to espouse his cause.

7. No order as to costs.

Sd./- SALIM M. MERCHANT,  
Presiding Officer.  
[No. 55(70)/63-LRIV.]

## ORDERS

*New Delhi, the 7th January, 1964*

**S.O. 230.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Kanji Jadhavji and Company, Messrs Navalchand A. Mehta and Brothers and Messrs Krishna Commercial Company and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 16 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

#### SCHEDULE

1. Whether the demands of the workmen employed in loading of cement by M/s. Kanji Jadhavji and Company, Messrs Navalchand A. Mehta and Brothers and Messrs Krishna Commercial Company, of Bombay, for the—

- (i) enhancement of wages to Rs. 6/- per 100 bags or to Rs. 2/- per ton,
- (ii) payment of attendance allowance of Rs. 1:50 per shift to a workman who is called for work when no work is made available to him,
- (iii) payment of minimum wage of Rs. 4/- when employed throughout the shift, and
- (iv) payment of bonus for the years 1960-61, 1961-62 and 1962-63, are justified and if so to what extent?

2. To what relief, if any, are the workmen entitled?

[No. 28/91/63-LRIV.]

**S.O. 231.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dehri Rohtas Light Railway Company Limited, Dalmianagar, and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### SCHEDULE

1. Whether the dismissal of Shri Bhagvandas, loco-fitter of the Dehri Rohtas Light Railway Company, Limited, by the management of the said Company, with effect from the 4th May, 1960 was justified?

2. If not, to what relief is the workman entitled?

[No. 2/19/63/LRIV.]

**S.O. 232.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Canara Banking Corporation Limited, Mangalore and their workmen in respect of the matter specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri K. Gubbiah shall be the Presiding Officer and which shall have its headquarters at Bangalore, and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether the transfer of Shri K. Rathnagar, additional Accountant, from Coondapoor Branch to Haveri Branch of the Canara Banking Corporation Limited was justified? If not, to what relief is the workman entitled?

[No. 51(83)/63-LRIV.]

*New Delhi, the 8th January 1964*

**S.O. 233.**—Whereas, the Central Government is of opinion that an industrial dispute exists between Canara Industrial and Banking Syndicate Limited, Udipi and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;



Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Dr. Mir Sladat Ali Khan shall be the Presiding Officer with headquarters at Hyderabad and refers the said dispute for adjudication to the said Industrial Tribunal.

#### SCHEDULE

Whether the action of the management of the Canara Industrial and Banking Syndicate Limited, Udupi in discontinuing Pigmy collection and payment thereto to the workmen on the basis of section 10(1)(b)(ii) of the Banking Companies Act 1949 (10 of 1949) is justified. If not, to what relief are the workmen entitled?

[No. 55(6)/63-LR.IV.]

*New Delhi, the 9th January 1964*

**S.O. 234.**—In exercise of the powers conferred by section 73F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts for a further period of one year with effect from the 22nd January, 1964, from the payment of the employer's special contribution leviable under Chapter VA of the said Act, every factory wherein ten or more persons are not employed, or were not employed at any time during the preceding twelve months, by the principal employer directly or by or through an immediate employer, even though twenty or more persons are or were working in the premises.

[No. F. 6(136)/93-HI.]

**S.O. 235.**—Whereas, an industrial dispute between the Indian Bank Limited, Madras and its workmen in respect of the matter specified in the Schedule hereto annexed was referred for adjudication to Shri D. Govindarajulu Naidu, Presiding Officer, Labour Court at Guntur by the Order of the Government of India in the Ministry of Labour and Employment No. S.O. 3081 dated the 22nd December, 1961;

And whereas, the award of the said Labour Court was published by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 1124 dated the 5th April, 1962;

And whereas, the High Court of Andhra Pradesh has remanded the dispute to the said Court for *de novo* consideration and disposal of the dispute in accordance with law by its decision dated the 16th October, 1963;

And whereas, the services of Shri D. Govindarajulu Naidu have ceased to be available;

Now, therefore, in exercise of the powers conferred by section 7 and clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Labour Court with Shri D. Subba Rao as the Presiding Officer with headquarters at Guntur and refers the said dispute to the said Labour Court for adjudication.

#### SCHEDULE

Whether the management of the Indian Bank Limited, Madras was justified in discharging Sri N. L. Kantarao Shroff of Anakapalli Branch of Indian Bank Limited, from the service of the bank with effect from 18th January 1960? If not, to what relief is he entitled?

[No. 55(64)/63-LR.IV.]

O. P. TALWAR, Under Secy.

*New Delhi, the 10th January 1964*

**S.O. 246.**—In exercise of the powers conferred by clause (a) of section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby directs that the power exercisable by it under section 8 of the said Act shall also be exercisable within the Union territories of Andaman and Nicobar Islands, Delhi, Himachal Pradesh, Laccadive, Minicoy and Amindivi Islands and Manipur by the Collectors in those Territories.

[No. 11(26)/61-PF.II.]

VIDYA PRAKASH, Dy. Secy.

*New Delhi, the 10th January 1964*

**S.O. 237.**—The following draft of rules to amend the Coal Mines Pit-head Bath Rules, 1959, which the Central Government proposes to make in exercise of the powers conferred by clause (e) of section 58 of the Mines Act, 1952 (35 of 1952), is published, as required by sub-section (1) of section 59 of the said Act, for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 31st March, 1964.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be considered by the Central Government.

#### *Draft Amendment*

1. These rules may be called the Coal Mines Pit-head Bath (Amendment) Rules, 1964.

2. In clause (i) of the proviso to rule 3 of the Coal Mines Pit-head Bath Rules, 1959 (hereinafter referred to as the said rules) the following words shall be inserted at the end namely:—

“subject to such conditions, if any, as the competent authority may consider necessary to specify regarding provision of any alternative bathing facilities”.

3. In rule 12 of the said rules, the following proviso shall be inserted at the end namely:—

“Provided that the competent authority may grant exemption to certain mines, the resources of which are not sufficient to make provision for adequate supply of water for a alternative bathing facilities.”

[No. 34/4/63/M-II.]

R. C. SAKSENA, Under Secy.

#### **ORDER**

*New Delhi, the 8th January 1964*

**S.O. 238.**—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Kustore Colliery (Raneegunge Coal Association Limited), Post Office Kusunda (Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal. Dhanbad, constituted under section 7A of the said Act.

#### **SCHEDULE**

Whether the management of Kustore Colliery (Raneegunge Coal Association Limited), is justified in not implementing the order of promotion of Shri Ibrahim Mian, Electric fitter, to category VII, contained in their letter No. KM-24-62/783 dated the 8th September, 1962? If not, to what relief is the employee entitled?

[No. 2/82/63-LR.II.]

A. L. HANDA, Under Secy.

#### **MINISTRY OF INDUSTRY**

#### **CORRIGENDUM**

*New Delhi, the 13th January 1964*

**S.O. 239.**—In this Ministry's Order dated the 6th January, 1964, published in Part II Section 3 Sub-Section (ii) of the Gazette of India, dated the 11th January,

1964, reconstituting the Development Council for Glass and Ceramics, the following corrections may please be made:—

For the existing para 2 of the said Order the following para shall be substituted; namely:—

2. "Shri S. R. Khanna, Development Officer, Directorate General of Technical Development, New Delhi, is hereby appointed to carry on the functions of the Secretary to the said Development Council."

[No. 1(16)/L.Pr./63.]

S. P. KRISHNAMURTHY, Under Secy.

# Indian Standards Institution

New Delhi, the 6th January 1964

**S.O. 240.**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that thirty licences, particulars of which are given in Schedule hereto annexed, have been renewed.

## THE SCHEDULE

Sl. No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article(s) covered by the licence	Relevant Indian Standard(s)
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-21 3-12-1956	10-12-63	9-12-64	M/s. Devidayal Metal Industries, Tulsiram Gupta Mills Estate, Darukhana, Bombay-10.	Wrought Aluminium and Aluminium Alloy Sheets, Strips and Circles.	IS : 21-1959 Specification for Wrought Aluminium and Aluminium Alloys for Utensils (Second Revision).
2	CM/L-24 19-12-1956	1-1-64	31-12-64	M/s. Light Metal Works, New Sun Mill Compound, Delisle Road, Bombay-13.	Wrought Aluminium and Aluminium Alloy Utensils	IS : 21-1959 Specification for Wrought Aluminium and Aluminium Alloys for Utensils (Second Revision).
3	CM/L-111 16-12-1958	1-1-64	31-12-64	M/s. Beliaghata Timber Works P. Ltd., 28-B, Chaulpatty Road, Calcutta-10.	Tea-Chest Plywood Panels	IS : 10-1953 Specification for Plywood Tea-Chests (Revised).
4	CM/L-112 26-12-1958	1-1-64	31-12-64	The Kesar Sugar Works Ltd., 45-47 Apollo Street, Fort, Bombay-1.	Hydroquinone, Photographic Grade	IS : 388-1958 Specification for Hydroquinone, Photographic Grade
5	CM/L-155 16-11-1959	1-1-64	31-12-64	M/s. Bombay Chemicals Private Ltd., 129, Mahatma Gandhi Road, Fort, Bombay-1.	Pyrethrum Extract	IS : 1051-1957 Specification for Pyrethrum Extracts.
6	CM/L-157 23-12-1959	1-1-64	31-12-64	M/s. Shamsher Sterling Cable Corporation Limited, Vasmani Mansions, Dinsha Wacha Road, Bombay-1.	Rubber Insulated Cables, TRS (Tough Rubber Sheathed) Type 250 Volts Grade and Vulcanized Rubber Insulated Cables, Taped/Untaped, Braided and Compounded Type 250 Volts and 660 Volts Grade and Weatherproof Cables 250 and 660 Volts Grade.	IS : 434-1953 Specification for Rubber Insulated Cables and Flexible Cords for Electric Power and Lighting (For Working Voltages Up to and including 11 kV).

7	CM/L-244 28-11-1960	15-12-63	14-12-64	M/s. Indian Plastics Ltd., Poisar Bridge, Kaudivli, Bombay-67.	Phenol-Formaldehyde Moul- ding Powder (For General Purpose Mouldings).	IS : 1300-1959 Specification for Phenol-Formaldehyde Moulding Powder (For General Purpose Moul- dings).
8	CM/L-245 28-11-1960	15-12-63	14-12-64	M/s. TIPCO The Industrial Plastics Corporation Ltd., 14, Hamam Street, Fort, Bombay-1.	Phenol-Formaldehyde Moul- ding Powder (For General Purpose Mouldings).	IS : 1300-1959 Specification for Phenol-Formaldehyde Moulding Powder (For General Purpose Mouldings).
9	CM/L-246 28-11-1960	15-12-63	14-12-64	M/s. Research Chemicals La- boratories, Lathice Bridge Road, Adayar, Madras-20.	Ferro-Gallo Tannate Fountain Pen Ink (0.1 percent Iron Content)	IS : 220-1959 Specification for Ferro-Gallo Tannate Fountain Pen Ink (0.1 per- cent Iron Content) ( <i>Re- vised</i> ).
10	CM/L-252 26-12-1960	1-1-64	31-12-64	M/s. Tata-Fison Ltd., Union Bank Building, Dalal Street, Bombay-1.	Copper Oxychloride Water Dis- persible Powder Concentrates.	IS : 1507-1959 Specification for Copper Oxychloride Water Dis- persible Powder Concentrates.
11	CM/L-253 26-12-1960	1-1-64	31-12-64	M/s. Travancore Chemicals & Manufacturing Co. Ltd., Manjummel, Alwaye.	Copper Oxychloride Water Dis- persible Powder Concentrates.	IS : 1507-1959 Specification for Copper Oxychloride Water Dis- persible powder Concentrates.
12.	CM/L-254 26-12-1960	1-1-64	31-12-64	M/s Swastik Rubber Products Ltd., "Swastik House" Kirkee, Poona-3.	Vulcanized Rubber Insulated (VIR) Cables, Taped/Untaped Braided and Compounded 250 and 660 Volts Grade, Wea- therproof Cables 250 and 660 Volts Grade and TRS (Tough Rubber Sheathed) 280 Volts Grade.	IS : 434-1953 Specification for Rubber Insulated Cables and Flexible Cords for Electric Power and Lighting (For work- ing Voltages Up to and Includ- ing 11 kV) ( <i>Tentative</i> ).

1	2	3	4	5	6	7
13	CM/L-255 29-12-1960.	1-1-64	31-12-64	M/s. Shree Ram Oil & General Mills, Gurgaon (Punjab).	Corn Flakes.	IS : 1158-1957 Specification for Corn Flakes.
14	CM/L-356 20-11-1961	27-12-63	26-12-64	M/s. Zeta Industrial Corporation Private Ltd., No. 14F Govindpuri, Modinagar, District Meerut.	Metal Clad Switches Capacities Up to 60 amperes 500 Volts.	IS : 1567-1960 Specification for Metal Clad Switches (Current Rating not exceeding 100 amperes.)
15	CM/L-361 27-11-1961.	15-12-63	14-12-64	M/s. Modi Vanaspati Manufacturing Co., Modinagar, Distt. Meerut.	18-Litre Square Tins.	IS : 916-1958 Specification for 18-Litre Square Tins.
16	CM/L-363 30-11-1961.	15-12-63	14-12-64	M/s. Nielcon Private Ltd., 37 F, Parel Road Cross Lane, Chinchpokli, Bombay-12.	Three-Phase Induction Motors Up to 10 Horse Power.	IS : 325-1961 Specification for Three-Phase Induction Motors (Second Revision).
17	CM/L-365 12-12-1961.	1-1-64	31-12-64	M/s. Ditz Electricals (India) Ltd., 29, Malkaganj Road, Delhi.	Electric Portable Immersion Heaters for Domestic Use (500 Watts to 4000 Watts Capacity).	IS : 368-1952 Specification for Electric Portable Immersion Heaters for Domestic Use (Tentative).
18	CM/L-366 15-12-1961.	1-1-64	31-12-64	M/s. Tungabhadra Industries Ltd. Kurnool (A.P.)	18-Litre Square Tins	IS : 916-1958 Specification for 18-Litre Square Tins.
19	CM/L-367 15-12-1961.	1-1-64	31-12-64	M/s. Bharat Pulverising Mills (Private) Limited, 589 Thiruvettiyur High Road, Madras-19.	Endrin Emulsifiable Concentrates.	IS : 1310-1958 Specification for Endrin Emulsifiable Concentrates.
20	CM/L-369 22-12-1961.	1-1-64	31-12-64	The D.C.M. Container Works, Najafgarh Road, New Delhi-15.	18-Litre Square Tins	IS : 916-1958 Specification for 18-Litre Square Tins.
21	CM/L-371 22-12-1961.	1-1-64	31-12-64	M/s. Berar Oil Industries, Vanasdapeth, Akola.	18-Litre Square Tins	IS : 916-1958 Specification for 18-Litre square Tins.
22	CM/L-370 22-12-1961.	1-1-64	31-12-64	M/s. Excel Industries Pvt. Ltd., 184-87, Ghodbunder Road, Jogeshwari, Bombay-60.	Zinc Phosphide, Technical	IS : 1251-1958 Specification for Zinc Phosphide, Technical.

23.	CM/L-465 30-10-1962	10-12-63	9-12-64	M/s. E.A.G. Minerals Supply, B/1, Hide Road, Kidderpore, Calcutta-23 having their Head Office at P. 22, Swallow Lane, Calcutta-1.	BHC Dusting Powders.	IS : 561-1962 Specification for BHC Dusting Powders ( <i>Second Revision</i> ).
24.	CM/L-477 29-11-1962	11-12-63	14-12-64	M/s. Shalimar Tar Products (1935) Limited, 7/1, Hide Road, Kidderpore, Calcutta-23 having their Office at 6, Lyons Range, Calcutta-1.	Bitumen (Plastic) for Water- proofing Purposes.	IS : 1580-1960 Specification for Bitumen (Plastic) for Water- proofing Purposes.
25.	CM/L-480 29-11-1962	15-12-63	14-12-64	M/s. Jai Electrical Industries, S/52, Industrial Area, Jullun- dur City.	Metal Clad Switches Capacity Up to 15 and 30 amperes 250 and 500 Volts Grade.	IS : 1567-1960 Specification for Metal Clad Switches (Current Rating not Exceeding 100 Am- peres).
26.	CM/L-481 29-11-60	15-12-63	14-12-64	Government Central Lock Factory (Directorate of In- dustries, Govt. of West Ben- gal), Bargachia, District How- rah.	Brass Padlocks.	IS : 275-1961 Specification for Padlocks ( <i>Second Revision</i> ).
27.	CM/L-482 3-12-62	15-12-63	14-12-64	M/s. Kamani Metals & Alloys Limited, Agra Road, Kurla, Bombay-70.	Brass Sheets Grade Bs 63 Only.	IS : 410-1959 Specification for Rolled Brass Plate, Sheet, Strip and Foil ( <i>Revised</i> ).
28.	CM/L-483 5-12-1962	15-12-63	14-12-64	M/s. Lakh Trading Co., Village Road, Bhandup, Bombay-78 having their Office at 2nd Jai Hind Estate, Building No. 2, Bhuleshwar, Bombay-2.	Wrought Aluminium Utensils, Grade SIC.	IS : 21-1959 Specification for Wrought Aluminium and Aluminium Alloys for Uten- sils ( <i>Second Revision</i> ).
29.	CM/L-485 20-12-62	1-1-64	31-12-64	M/s. Glenfield & Kennedy Limi- ted, 4, Fairlie Place, Fairlie House, Calcutta-1.	Sluice Valves for Water Works Purposes.	IS : 780-1956 Specification for Sluice Valves for Water Works Purposes.
30.	CM/L-486 20-12-62	1-1-64	31-12-64	M/s. Gautam Electric Motors Private Ltd., 42, Okhla In- dustrial Estate, New Delhi-20.	Fractional Horse Power Motors, Single-Phase 1 HP and Three- Phase $\frac{1}{2}$ HP to 1 HP.	IS : 996-1959 Specification for Small AC and Universal Elect- ric Motors with Class 'A' In- sulation.

**S.O. 241.**—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended 1961 and 1962, the Indian Standards Institution hereby notifies that nine licences, particulars of which are given in the Schedule hereto annexed, have been granted authorising the licensees to use the Standard Mark.

## THE SCHEDULE

Serial No.	Licence No. and Date	Period of Validity		Name and Address of the Licensee	Article/Process Covered by the Licence	Relevant Indian Standard
		From	To			
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1	CM/L-607 11-12-1963	1-1-64	31-12-64	The Production Centre for Electric Motors (Govt. of India, Ministry of Industry), Tiruvalla, Kerala State.	Fractional Horse Power Electric Motors, Single Phase Capacitor Start and Three-Phase Squirrel Cage Induction Motors.	IS:996-1959 Specification for Small AC and Universal Electric Motors with Class 'A' Insulation.
2	CM/L-608 11-12-1963	1-1-64	31-12-64	M/s. Hindustan Steel Ltd., Bhilai Steel Plant, Bhilai-1, Distt. Durg (M.P.) having their Regd. Office at P.O. Hinoo, Ranchi.	Structural Steel (Ordinary Quality).	IS: 1977-1962 Specification for Structural Steel (Ordinary Quality).
3	CM/L-609 11-12-1963	1-1-64	31-12-64	The Tata Iron and Steel Company Ltd., Jamshedpur.	Structural Steel (Ordinary Quality).	IS:1977-1962 Specification for Structural Steel (Ordinary Quality).
4	CM/L-610 31-12-1963.	1-2-64	31-1-65	M/s. Asian Cables Corporation Ltd., Kotakwadi, Pokhran Road, Post Box No. 11, Thana (Maharashtra State) having their Regd. Office at Navsari Building, 240D, Naoroji Road, Fort, Bombay-1.	(i) PVC Insulated Cables, Unsheathed, both with Aluminium and Copper Conductor, 250 and 650 Volts Grade. (ii) PVC Insulated Flexible Cords with Copper Conductors only, 250 Volts Grade.	IS:694-1960 Specification for PVC Cables and Cords for Electric Power and Lighting for Working Voltages Up to and including 650 Volts to Earth. ( <i>Tentative, Amended</i> ).



5	CM/L-611 31-12-1963.	1-2-64	31-1-65	M/s. Parkash Pulverising Mills, Industrial Area, Alwar.	BHC Dusting Powders.	IS:561-1962 Specification for BHC Dusting Powders. (Second Revision)
6	CM/L-612 31-12-1963.	1-2-64	31-1-65	M/s. National Refinery Private Ltd., 87, Tardeo Road, Bombay-34.	Silver Solder	IS:192-1956 Specification for Silver Solder (Revised).
7	CM/L-613 31-12-1963.	1-2-64	31-1-65	The National Rolling and Steel Ropes Ltd., Shamnagar, 24 Parganas, West Bengal having their Registered Office at "NICCO House" 1 & 2 Hare Street, Calcutta-1.	Steel Wire Ropes for Haulage Purposes in Mines.	IS:1856-1961 Specification for Steel Wire Ropes for Haulage Purposes in Mines.
8	CM/L-614 31-12-1963	1-2-64	31-1-65	M/s. Lloyd Bitumen Products, A5, A6 & A7, Bon-Hoogly, Industrial Estate, B.T. Road, Baranagore having their Office at 4A, Royd Street, Cal- cutta-16.	Preformed Fillers for Expansion Joint in Concrete Non- Extruding and Resilient Type (Bitumen-Impregnated Fibre)	IS:1838-1961 Specification for Preformed Fillers for Expan- sion Joint in Concrete Non- Extruding and Resilient Type (Bitumen-Impregnated Fibre)
9	CM/L-615 31-12-1963.	1-2-64	31-1-65	M/s. Bayer (India) Ltd., Pal- khiwadi, Off Cadell Road, Bombay-28 having their Registered Office at Nagin Mahal, 6th Floor, 82, Veer Nariman Road, Fort, Bombay-1.	Parathion Emulsifiable Concen- trates.	IS:2129-1962 Specification for Parathion Emulsifiable Con- centrates.

New Delhi, the 8th January 1964

**S.O. 242.**—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that amendments to the Indian Standards, given in the Schedule hereto annexed, have been issued under the powers conferred by sub-regulation (1) of regulation 3 of the said regulations.

THE SCHEDULE

Serial No.	No. and title of the Indian Standard amended	No. & date of Gazette Notification in which the establishment of the Indian Standard was notified.	No. & date of the Amendment	Brief particulars of the Amendment	Date from which the Amendment shall have effect
(1)	(2)	(3)	(4)	(5)	(6)
1	IS:344-1952 Specification for Varnish, Stoving (a) Clear and (b) Tinted	S.R.O. 658 dated 26 March 1955	No. 1 June 1963	All quantities and dimensions in this standard have now been given in metric system.	15 January 1964
2	IS:365-1952 Specification for Electric Hot Plates ( <i>Tentative</i> )	S.R.O. 658 dated 26 March 1955	No. 1 December 1963	All quantities and dimensions in this standard have now been given in metric system.	15 January 1964
3	IS:366-1955 Specification for Electric Irons ( <i>Tentative</i> ).	S.R.O. 658 dated 26 March 1955	No. 1 December 1963	All quantities and dimensions in this standard have now been given in metric system.	15 January 1964
4	IS:367-1955 Specification for Electric Kettles for Domestic Use ( <i>Tentative</i> )	S.R.O. 658 dated 26 March 1955	No. 1 December 1963	All quantities and dimensions in this standard have now been given in metric system.	15 January 1964
5	IS:428-1953 Specification for Distemper, Oil Emulsion, Colour As required.	S.R.O. 658 dated 26 March 1955	No. 1 June 1963	All quantities and dimensions in this standard have now been given in metric system.	15 January 1964
6	IS:709-1957 Specification for Medium Strength Aircraft Plywood	S.O. 86 dated 22 Feb. 1958	No. 2 September 1963	Clause E-1.3—Substitute the following for the existing clause :  'E-1.3 The test specimen shall be conditioned to a moisture content of $15 \pm 1$ per cent.'	15 January 1964

- 7 IS:726-1956 Specification for Mild Steel Buckets for General Use and For Fire Fighting Purposes S.R.O. 3019 dated 15 Dec. 1956 No. 1 November 1963

(i) Clause 5.2 (b)—Substitute the following for the existing clause : 15 January 1964

‘(b) the bottom sheet shall be joined to the body by means of a lock joint as shown in Fig. 3.’

(ii) A new Fig. 3A has been introduced after Fig. 3.

(iii) Clause 7.2, line 5, third sentence—Substitute the following for the existing sentence :

‘The coating of zinc on any portion shall be not less than 2 oz/ft<sup>2</sup> (0.06 g/cm.<sup>2</sup>) (both sides inclusive).’

(iv) The existing sub-clause 7.2.1 has been substituted by a new one.

(v) The existing clause 11.2 has been substituted by a new one.

- 8 IS:1011-1957 Specification for Biscuits (Excluding Wafer Biscuits) S.O. 410 dated 5 April 1958 No. 2 December 1963

Clause 7.2 SL No. (d)—Substitute the following for the existing : Immediate effect

‘(d) Net weight in g or kg (See Note)

NOTE—This is subject to the tolerances allowed under the Standards of Weights and Measures Act, 1956.’

- 9 IS:1190-1957 Specification for Twin Wire Halds for Use in Cotton and Silk Weaving (Excluding Jacquard and Fancy Weaving) S.O. 1349 dated 12 July 1958 No. 1 November 1963

(i) The existing clause 4.3 and sub-clause 4.3.1 have been substituted by a new one. 15 January 1964

(ii) clause 5.1—Add the following sentence at the end of the clause :

‘The twisted portion near the end-loops (see Fig. 2) shall have two turns.’

(iii) The existing clause 6.1 has been substituted by a new one.

(iv) The existing clause 6.4 has been substituted by a new one.

(v) The existing table IV has been substituted by a new one.

(1)	(2)	(3)	(4)	(5)	(6)
				(vi) Clause 7·1, line 2—Substitute 'Diameter' for 'SWG'.	
				(vii) Clause 7·1, Example—Substitute for '30 SWG'.	'0·315mm'
				(viii) Appendix A, the existing first column heading 'WIRE' has been substituted by a new one.	
10.	IS:1500-1959 Method for Brinell Hardness Test for Steel	S.O. 1346 dated May 1960	28	No. 1 November 1963	(i) A new sub-clause 2·1·1 has been added after clause 2·1.
				(ii) Clause 2·2, line 1—Add 'or HBW' after the symbol 'HB'.	
				(iii) Clause 4·1—Add 'or HBW' after the symbol 'HB'.	
				(iv) The existing note under clause 4·1 has been substituted by a new one.	
				(v) Clause 7·4, last sentence—Substitute the following for the existing sentence : "The test load shall be maintained for a minimum of 10 seconds".	
11.	IS:1877-1961 Terminology for Spices and Condiments	S.O. 3062 dated December 1961	30	No. 1 November 1963	(Table 1, Sl. No. 1, col 5)—Substitute 'विलायती सौंफ (Saunf imported)' for 'सौंफ (Saunf)'. (Table 1, Sl. No. 7, col. 5)—Substitute 'चीनी दालचीनी (Chini Dalchini)' for 'दालचीनी (Dalchini)'. (Table 1, Sl. No. 32, col. 5)—Substitute 'खस खस (Khas-Khas)', पोस्ता (Posta)' for खसखस (Khas-Khasa)'.

Copies of these amendment Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan 9 Bahadur Shah Zafar Marg New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhai Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2, and (iv) 14/69, Civil Lines Kanpur.

[No. MD/13 : 5]

**S.O. 243.**—In exercise of the powers conferred by sub-regulations (2) and (3) of regulation 3 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies the issue of errata slips particulars of which are given in column (4) of the Schedule hereto annexed, in respect of the Indian Standards specified in column (2) of the said Schedule.

## THE SCHEDULE

Sl. No.	No. and Title of Indian Standard	No. and date of Gazette Notification in which establishment of Indian Standard was notified	Particulars of Errata Slip issued
(1)	(2)	(3)	(4)
1	IS : 33-1963 Methods of Test for Dry Pigments And Extenders for Paints (Revised)	S.O. 2370 dated August 1963.	24 <ul style="list-style-type: none"> <li>(i) Page 4, clause C-2, line 5 please read 'Ordinance' for 'Ordance'</li> <li>(ii) Page 5, clause 1.2, line 2 please read 'for the individual material' for 'for individual material'</li> <li>(iii) Page 6, clause 2.5, lines 2 and 3 please read 'a temperature of <math>27^{\circ} \pm 2^{\circ}\text{C}</math>, provided that...' for 'a temperature of <math>27^{\circ} \pm 2^{\circ}\text{C}</math>. Provided that ...'</li> <li>(iv) Page 16, clause 12.1, line 1 please read 'oven' for 'voen'</li> <li>(v) Page 18, clause 18.1, line 1 please read 'sulphuric acid' for 'sulphate acid'</li> </ul>
2	IS : 265-1962 Specification for Hydrochloric Acid (Revised).	S.O. 3447 dated November 1962	17 Page 13, sub-clause B-6.3.1, last line please read '4ml' for '10 ml'
3	IS : 654-1962 Specification for Clay Roofing Tiles, Maj gloire Pattern (Revised)	S.O. 1760 dated June 1963.	29 Page 6, formula under sub-clause 5.5.2, please read 'Effective length $\frac{A+B+C}{2}$ or width = $\frac{3}{A+B+C}$ for 'Effective length or width = $\frac{3}{A+B+C}$ '
4	IS : 800-1962 Code of Practice for Use of Structural Steel in General Building Construction (Revised)	S.O. 242 dated January 1963.	26 <ul style="list-style-type: none"> <li>(i) Page 20, sub-clause 10.1.2 (a) First equation — Read the following for the existing equation :  <math display="block">P_o = P'_c = \frac{f_y/m}{1 + 0.20 \sec \left( l/r \sqrt{\frac{mP'_c}{4E}} \right) \text{ radians}}</math> for <math>l/r = 0</math> to 160  (b) Third equation — Read the following for the existing equation :  <math display="block">P'_o = \frac{f_y/m}{1 + 0.20 \sec \left( l/r \sqrt{\frac{mP'_o}{4E}} \right) \text{ radians}}</math>; and  (ii) Page 26, Table V  (a) Under 'A', sub-heading '50' against '0.0020' of first column, please read '60 937' for '50 937'.</li> </ul>

(1)

(2)

(3)

(4)

- (b) Under 'A', sub-heading '70' against '0.0008' of first column please read '28 383' for '28 333'
- (iii) Page 33, sub-clause 10.5.2, explanation for 'fr', please read 'tensile stress' for 'compressive stress'
- (iv) Page 33, sub-clause 10.5.2, explanation for '\*P<sub>b</sub>', please read 'bending tensile stress' for 'bending stress'
- (v) Page 54, sub-sub-clause 19.11.2.3, line 8—please read '0.02 times' for 'three times'
- (vi) Page 54, sub-clause 20.2.1, line 10 from bottom—please read '1.5 mm' for '1.6 mm'
- (vii) Page 74, sub-sub-clause 21.8.5.1, line 4 please read '6.2 t' for '62t'
- (viii) Page 86, sub-clause 26.6.1, line 4 — please read '2.5' percent' for '25 percent'
- (ix) Page 90, the existing sub-clause 31.2.2 has been substituted by a new one.

5 IS : 876-1961 Specification for Wood Poles for Over-head Power and Telecommunication Lines (Revised).

S.O. 1267 dated 28 April 1962.

Page 5, Table I, col 1 and 2—please read 'm' for 'mm'

6 IS : 1479 (Part I)-1960 Methods of Test for Dairy Industry Part I Rapid Examination of Milk.

S.O. 2494 dated 1, October 1960

- (i) Clause 0.2, line 4—Delete the words 'and adulterated'.
- (ii) Clause 0.2, line 5—Substitute 'control operations' for 'quality control operations'.
- (iii) Clause 0.2, line 7—Substitute 'of byres' for 'on byres'.
- (iv) Clause 0.3, lines 7 and 8—Delete the following :  
'where facilities of a well-equipped laboratory are not available'
- (v) Clause 0.6—(a) Line 8—Substitute '1960' for '1953'  
(b) Line 10—Substitute 'Washington, 1959' for 'Washington'
- (vi) Clause 0.8—Put an asterisk at the word 'series' appearing in line 3 and insert the following as a foot note :

' \* Since the publication of this standard, the following standards have been published up to the time of this reprint :

IS : 1479 (Part II)-1961 Methods of Test for Dairy Industry : Part II Chemical Analysis of Milk.

(1)

(2)

(3)

(4)

IS : 1479 (Part III)—1962 Methods of Test for Dairy Industry : Part III Bacteriological Analysis of Milk.

IS : 1479 (Part IV)—1962 Methods of Test for Dairy Industry : Part IV Determination of Freezing Point Depression of Milk by Hortvet Method.

IS : 1479 (Part V)—1962 Methods of Test for Dairy Industry : Part V Methods for Dairy Plant Control.  
(vii) Sub-clause 1.1.1—

(a) Line 2—*Delete* the words 'of milk'.  
(b) Lines 2 and 3—*Delete* the words 'the constituents and properties of'.

(viii) Clause 3.1—*Add* the following sentence in the beginning :  
'Sampling of milk shall be done by an experienced person'.

(ix) Sub-sub-clause 3.1.3.1—

(a) Line 5—*Substitute* 'or' for 'and'.

(b) Note 1, line 1—*Substitute* 'Under' for 'In'.

(c) Note 1—*Add* the following at the end of the Note :  
'Equipment treated by this method shall be used immediately.'

(d) Note 2, line 2—*Substitute* 'not less than 10 minutes' for '10 minutes'.

(x) Clause 3.6, line 6—*Substitute* '175 ml' for '150 ml'.

(xi) Clause 3.10 (a)—the existing matter has been substituted by a new one.

(xii) Clauses 6.1, 8.1, 9.1, 11.2, 13.1 and 14.1—*Delete* the words 'The following apparatus is required :'

(xiii) Clauses 13.2, 14.2 and sub-clauses 18.1.1, 18.2.1, 18.3.1, 18.4.1, 18.5.1 and 18.6.2—*Delete* the words 'The following reagent (s) is (are) required :'

(xiv) Clause 7.0, lines 5 to 8—*Substitute* the following for the existing sentences :

'On the other hand, the pH value of milk from animals suffering from mastitis is alkaline in reaction, the value being over 7.0. The pH test is mainly used for the detection of abnormal mastitis milk.'

(xv) Clause 8.2, lines 2 and 3—*substitute* the following for the existing second sentence :

'Place the tube in a boiling water-bath and hold for about 5 minutes, and smell again for any acidic flavour.'

1	2	3	4
			(xvi) Clause 10·0—Substitute the following for the existing clause; '10·0 General—This test is similar to the alcohol test and the incorporation of alizarin helps to indicate the approximate percentage of acidity.'
			(xvii) Sub-clause 10·4·1, line 5—Substitute 'practical' for 'commercial'.
			(xviii) Clause 11·0, first paragraph, line 1—Substitute 'measure of the sanitary condition and keeping quality' for 'measure of the keeping quality'.
			(xix) Clause 11·0, second paragraph, line 3—Substitute 'age' for 'ageing'.
			(xv) Clause 11·2 (b), line 2—Substitute 'not less than 10 minutes' for '30 minutes'.
			(vxi) Clause 11·2 (g), lines 3 and 4—Delete 'the' before water.
			(xxii) (Clause 13·0)
			(a) Line 1—Insert ', ' after 'examining'.
			(b) Line 2—Insert ', ' after 'microscope'.
			(c) Line 3—Substitute 'spread on glass slides over specified area' (or 'dried on glass slides').
			(d) Lines 33 and 34—Delete 'and' before (c) and substitute the following for the existing matter of '(c)': '(c) failure of this method to distinguish between the dead and living organisms; and (d) mistakes in observation and calculation.'
			(xvii) Sub-clause 13·3·1, line 6—Substitute 'are' for 'are'.
			(xv) Sub-clause 13·3·3, line 6—Delete space between 'alcoh' and 'olic' and read the word as 'alcoholic'.
			(xv) Clause 17·1 (a) —Substitute 'removal' for 'abstraction'.
			(xxvi) Clause 17·1 (d), line 1—Substitute 'prevent' for 'cover'.
			(xxvii) Clause 17·2 (c)—Substitute 'higher' for 'wider'.
			(xxviii) Clause 17·3 (d)—Substitute 'higher' for 'wider'.
			(xxix) Clause 17·5, line 2—Substitute 'to prevent detection of' for 'to mask the presence of'.
			(xxx) Page 30, asterisked footnote—Substitute the following for the existing footnote: *The method for determination of freezing point of milk has been covered in IS : 1479 (Part IV)-1962'.
			(xxvi) Clause 17·6, line 2—Substitute 'to prevent detection of' for 'to mask'.



1	2	3	4
			(xxxii) Clause 18.0, second paragraph, line 6—Substitute 'milch' for 'farm'.
			(xxxiii) Sub-clause 18.4.2, line 6—Substitute 'Salicylic' for 'salicyclic'.
			(xxxiv) Sub-sub-clauses 18.6.1.1 to 18.6.1.3—Substitute 'a)', 'b)' and 'c)' for 18.6.1.1, 18.6.1.2 and 18.6.1.3, respectively.
7.	IS : 1547-1960 Specification for Infant Milk Foods.	S.O. 2319 dated 24 September 1960.	Page 3, Table I, Sl. No. (xii) (i) Delete the 'asterisk' and the word 'Tentative' to which it refers. (ii) Page 14, clause M-4.1, line 8—please read 'sextuplicate' for 'triplicate'.
8.	IS : 2063-1962 Code for Testing Machine Tools.	S.O. 3100 dated 13 October 1962.	Page 37, sub-clause A-1.3.1, line 4—please read 'total' for 'tapered'.
9.	IS : 2086-1963 Specification for Carriers and Bases Used in Re-Wirable Type Electric Fuses UP to 650 Volts ( <i>Revised</i> ).	S.O. 2370 dated 24 August 1963.	Page 8, sub-clause 4.5.3, line 3—please read 'or' for 'and'.
10.	IS : 2309-1963 Code of Practice For the Protection of Buildings and Allied Structures Against Lightning	S.O. 1683 dated 22 June 1963.	(i) Page 13, sub-clause 3.10.1, line 2—please read 'Fig 2A to 2J' for 'Fig 2A to 2G'. (ii) Page 14, the existing Fig 2A to 2G have been substituted by new ones.

Copies of these Errata Slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Bahadurshah Zafar Marg, New Delhi-1, and also at its Branch Offices at (i) 232 Dr. Dadabhoy Naoroji Road, Bombay-1, (ii) Third Floor, 11 Sooterkin Street, Calcutta-13, (iii) 2nd Floor, Sathyamurthi Bhavan, 54 General Patters Road, Madras-2, and (iv) 14/69 Civil Lines, Kanpur.

[No. MD/13:6]

**S.O. 244.**—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, as amended in 1961 and 1962, the Indian Standards Institution hereby notifies that the marking fee per unit for Silver Solder, details of which are given in the Schedule hereto annexed has been determined and the fee shall come into force with effect from 1 February 1964.

#### THE SCHEDULE



Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Silver Solder	IS : 192-1956 Specification for Silver Solder ( <i>Revised</i> ).	One Kg	50 nP per unit with a minimum of Rs. 500.00 for production during a calendar year.

[No. MD/18:2]

**S.O. 245.**—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark, for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder shall come into force with effect from 1 February, 1964.

#### THE SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
		Silver Solder	IS: 192-1956 Specification for Silver Solder (Revised)	The monogram of the Indian Standards Institution consisting of letters ISI, drawn in the exact style and relative proportions as indicated in Col (2), the number designation of the Indian Standard being super-scribed on the top side of the monogram and the relevant grade designation being sub-scribed under the bottom side of the monogram as indicated in the design.
				

[No. MD/17 : 2]

S. K. SEN,

Head of the Certification Marks Department.